

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

SIMI VALLEY UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

CASE NO. 2025081069

DECISION

OCTOBER 27, 2025

On August 27, 2025, Simi Valley Unified School District filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Student. Administrative Law Judge Jeanie Min heard this matter by videoconference on September 24, and 25, 2025.

Attorneys Rebecca Diddams and Emily Goldberg represented Simi Valley. Assistant Director of Special Services Kendall Forrester attended the hearing on the morning of September 24, 2025, on Simi Valley's behalf. Assistant Superintendent Sean Goldman attended the hearing on the afternoon of September 24, 2025, and all day on September 25, 2025, on Simi Valley's behalf. Parent represented Student and attended all hearing days on Student's behalf.

At the parties' request, the matter was continued to October 16, 2025, for written closing briefs. Simi Valley timely submitted a closing brief. Student did not timely file a closing brief and, therefore, it was not considered. The record was closed, and the matter was submitted on October 16, 2025.

ISSUE

Is Simi Valley's May 1, 2025 initial comprehensive multidisciplinary psychoeducational evaluation, which included a psychoeducational assessment and a speech and language assessment, appropriate, such that Student is not entitled to an independent psychoeducational evaluation at public expense?

A free appropriate public education is called a FAPE. An individualized education program is called an IEP.

JURISDICTION

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

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

The IDEA affords parents and local educational agencies the procedural protection of an impartial due process hearing with respect to any matter relating to the identification, assessment, or educational placement of the child, or the provision of a FAPE to the child. (20 U.S.C. § 1415(b)(6), (f); 34 C.F.R. § 300.511 (2006); Ed. Code, §§ 56501, 56502, 56505; Cal. Code Regs., tit. 5, § 3082.) The party requesting the hearing is limited to the issues alleged in the complaint, unless the other party consents. The party requesting the hearing 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, Simi Valley had the burden of proof. The factual statements in this Decision constitute the written findings of fact required by the IDEA and state law. (20 U.S.C. § 1415(h)(4); Ed. Code, § 56505, subd. (e)(5).)

ISSUE 1: IS SIMI VALLEY'S MAY 1, 2025 INITIAL COMPREHENSIVE MULTIDISCIPLINARY PSYCHOEDUCATIONAL EVALUATION, WHICH INCLUDED A PSYCHOEDUCATIONAL ASSESSMENT AND A SPEECH AND LANGUAGE ASSESSMENT, APPROPRIATE, SUCH THAT STUDENT IS NOT ENTITLED TO AN INDEPENDENT PSYCHOEDUCATIONAL EVALUATION AT PUBLIC EXPENSE?

Simi Valley conducted its May 1, 2025 comprehensive multidisciplinary psychoeducational evaluation, referred to as the May 1, 2025 multidisciplinary evaluation, assessing Student in the areas of psychoeducation and speech and language. Parent disagreed with the results of the assessments.

In a letter dated June 6, 2025, Parent requested Simi Valley to fund an independent educational evaluation in the areas of cognitive and executive functioning, attention and processing, social-pragmatic communication and metalinguistics, and emotional and behavioral regulation. Through a prior written notice dated June 16, 2025, Simi Valley characterized Parent's request as a request for an independent educational evaluation in psychoeducation and declined to fund an independent psychoeducational evaluation in the requested areas. However, Parent disagreed with the findings of Simi Valley's May 1, 2025 multidisciplinary evaluation, which included both psychoeducation and speech and language assessments.

Simi Valley contends its May 1, 2025 multidisciplinary evaluation was legally compliant, such that Student is not entitled to an independent psychoeducational evaluation at public expense. Student disagrees and contends he is entitled to an independent educational evaluation at public expense. In his September 11, 2025 prehearing conference statement, Student requested independent educational evaluations in the areas of psychoeducation, speech and language, and occupational therapy.

The IDEA uses the term evaluation, while the California Education Code uses the term assessment. The two terms have the same meaning and are used interchangeably in this Decision. (34 C.F.R. § 300.300 (2008); Ed. Code, § 56302.5.)

A parent may request an independent educational evaluation if the parent disagrees with the results of the district's assessment. (34 C.F.R. § 300.502 (2006); Ed. Code, § 56329, subd. (a)(3).) If a parent requests an independent educational evaluation, the district must either fund the evaluation at public expense or file a due

process complaint. (34 C.F.R. § 300.502(b)(2) (2006); Ed. Code, § 56329, subd. (c).) If the district proves at hearing that the district's assessment is appropriate, the district is not required to fund an independent educational evaluation. (*Ibid.*)

Simi Valley failed to establish necessary elements of a valid assessment. Specifically, Simi Valley failed to show it provided Parent legally sufficient notice and complied with statutory timelines, as further discussed below.

ASSESSMENT PLAN DID NOT GIVE PROPER NOTICE

On January 21, 2025, Simi Valley completed a comprehensive multidisciplinary evaluation. Parent disagreed with the results of the January 21, 2025 multidisciplinary evaluation. After discussion with Simi Valley, on March 5, 2025, Parent agreed to allow a different Simi Valley assessment team to conduct new assessments, in lieu of an independent educational evaluation. In response, on March 17, 2025, Simi Valley offered Parent an assessment plan in the areas of psychoeducation and speech and language, which Parent consented to on March 19, 2025.

Determining that the assessment plan met all legal requirements is a component of establishing that the assessment itself was appropriate, such that Student is not entitled to an independent educational evaluation at public expense. Simi Valley failed to prove its assessment plan was legally compliant.

Assessment of a student requires informed parental consent. (20 U.S.C. § 1414(c)(3); 34 C.F.R. § 300.300(c) (2008); Ed. Code, § 56381, subd. (f)(1).) California law defines consent consistent with federal regulations. (34 C.F.R. § 300.9 (2008); Ed. Code, § 56021.1.) To obtain parental consent for assessment, the district must first

provide proper notice to the student's parent. (20 U.S.C. § 1414(b)(1); 34 C.F.R. § 300.304(a) (2006); Ed. Code, §§ 56321, subd. (a), 56506, subd. (e).) Proper notice consists of a proposed assessment plan and a copy of the parental rights and procedural safeguards under the IDEA and related state laws. (20 U.S.C. §§ 1414(b)(1), 1415(c), (d); 34 C.F.R. § 300.503 (2006); Ed. Code, §§ 56321, subds. (a), (b), 56329.)

ASSESSMENT PLAN DID NOT CONTAIN ALL REQUIRED COMPONENTS

Proper notice requires a legally compliant assessment plan. (20 U.S.C. § 1414(b)(1); 34 C.F.R. § 300.503 (2006); Ed. Code, § 56321, subd. (b).) Among the statutorily required components, the proposed written assessment plan must contain a description of any recent assessments that were conducted. (Cal. Code Regs., tit. 5, § 3022.)

Simi Valley's March 17, 2025 assessment plan did not include any description of recent assessments that were conducted, such as the January 21, 2025 multidisciplinary evaluation, which Simi Valley relied on to compose parts of its May 1, 2025 evaluation report. Simi Valley did not submit evidence that it provided Parent with a description of any recent assessments that were conducted with the assessment plan.

Proper notice is required to obtain informed parental consent. (34 C.F.R. § 300.300(a) (2008).) By failing to include a reference to relevant previous assessments as part of the assessment plan, as required, Simi Valley did not provide Parent appropriate notice regarding what information the assessors would rely upon and

what additional data was being sought. This omission prevented Parent from receiving proper notice of the proposed assessments and, therefore, impeded Parent's ability to provide informed consent.

Simi Valley failed to prove by a preponderance of the evidence that its March 17, 2025 assessment plan was legally compliant in that it contained all statutorily required components, specifically previous assessment information.

ABSENCE OF PERSUASIVE EVIDENCE REGARDING PARENTAL RIGHTS AND PROCEDURAL SAFEGUARDS

To provide proper notice, the district must also provide the parent with a copy of the parental rights and procedural safeguards. (20 U.S.C. § 1415(d); 34 C.F.R. § 300.503(b)(4) (2006); Ed. Code, § 56329.)

Simi Valley offered no evidence of whether Parent was provided with a copy of her state and federal procedural rights along with the assessment plan, as required. Instead, Student submitted a copy of an email to Parent from Program Specialist Erin MacIntyre, dated March 17, 2025, that claimed MacIntyre sent Parent the assessment plan, a referral information form, and a copy of the parental rights notice through an online link.

However, the March 17, 2025 email did not contain the referenced link. MacIntyre acknowledged that she sent Parent the March 17, 2025 email, but did not further testify about the parental rights and procedural safeguards that she intended to send to Parent through the referenced link. Neither party presented a separate email that contained the link, or further evidence regarding the documents that were intended

to be accessed through this link. Parent did not testify. Simi Valley did not present a copy of the parental rights and procedural safeguards notice, which Simi Valley contends it sent to Parent through a link on March 17, 2025.

The March 17, 2025 email was insufficient evidence to establish that Simi Valley furnished a copy of the parental rights and procedural safeguards with the assessment plan. Moreover, Simi Valley presented no evidence that the copy it alleges was provided through an online link was legally sufficient. Therefore, Simi Valley failed to meet its burden of proof that it provided Parent with a copy of the parental rights and procedural safeguards with the assessment plan.

Simi Valley failed to meet its burden of proof by a preponderance of the evidence that the assessment plan complied with the legal requirements of notice. Specifically, Simi Valley failed to show that the March 17, 2025 assessment plan contained previous assessment information and was accompanied by a notice of parental rights and procedural safeguards.

Thus, Simi Valley did not prove that it met the threshold requirements to establish its May 1, 2025 multidisciplinary evaluation was legally compliant.

PARENTAL INPUT IN THE SPEECH AND LANGUAGE ASSESSMENT

School districts must conduct a full and individual evaluation before the initial provision of special education and related services. (34 C.F.R. § 300.301(a) (2007).) In conducting the assessments, assessors must not only review existing data on the student, including information that was provided by the parent, (20 U.S.C. § 1414(c)(1)(a)(i)), but also gather relevant information for the current assessment,

including parental input. (20 U.S.C. § 1414(b)(2)(A).) Consequently, it was necessary for Simi Valley to obtain information from Parent for its May 2025 speech and language assessment.

Speech and language pathologist Alisa Kalberg conducted Student's speech and language assessment as part of the May 1, 2025 multidisciplinary evaluation. Kalberg assessed Student between April 4, 2025 and May 8, 2025. Kalberg testified that her assessment process included reviewing cumulative records, observing Student, administering tests, and collecting parent and teacher input.

Kalberg did not separately obtain information from Parent for the May 2025 speech and language assessment. As part of the prior January 21, 2025 multidisciplinary evaluation, Parent completed a parent questionnaire between October and November of 2024, pertaining to Student's speech and language skills. Kalberg incorporated Parent's answers from this previous questionnaire into her assessment report. Kalberg did not verify with Parent that Kalberg may use the previous questionnaire for her assessment. Kalberg did not obtain Parent's input through an interview or any other means. Kalberg made no further effort to contact Parent for the May 2025 speech and language assessment.

Kalberg testified that because the same questionnaire is used for each speech and language assessment, "[Parent's] concerns towards [Student's] communication, if [Parent] had put it on the first questionnaire, should still be the same concerns."

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Kalberg testified she “felt no need” to ask Parent to complete the questionnaire again. Kalberg determined, “based on the concerns that were written in the questionnaire, [Student’s] speech and language skills were not going to change within a three-month period; therefore, the concerns would not change.”

Student did not present expert or Parent testimony, that updated parental input was required, to counter Kalberg’s opinion.

Kalberg’s opinion that additional parental input, beyond the October 2024 questionnaire, was not required to assist in determining whether Student was a child with a disability who required an IEP, though suspect, remained un rebutted. Because Simi Valley determined, through Kalberg, that additional parental input was unnecessary and Student did not produce evidence countering this element, a lack of parental input is not determinative here.

However, even without establishing the need for Parent’s renewed input in the May 2025 speech and language assessment, the May 1, 2025 multidisciplinary evaluation fails for the other reasons analyzed in this Decision.

PSYCHOEDUCATIONAL ASSESSMENT AND IEP TEAM MEETING WERE UNTIMELY

The district must complete special education assessments and hold an IEP team meeting to discuss the results of the assessments within 60 days of the date the district receives the signed assessment plan. (20 U.S.C. § 1414(a)(1)(c); 34 C.F.R. § 300.301(c)(1) (2007); Ed. Code, §§ 56043, subd. (c), 56302.1, subd. (a).)

Simi Valley received the signed assessment plan on March 19, 2025. School psychologist Mia Joaquin and special education teacher Kelli Weiss conducted the psychoeducational assessment. Joaquin assessed Student's social and emotional behavior and intellectual development, and Weiss assessed Student's pre-academic and academic achievement.

MacIntyre testified that Simi Valley initiated an IEP team meeting on May 16, 2025 to review the results of the May 1, 2025 multidisciplinary evaluation. However, the evidence did not demonstrate that the assessors and necessary team members were invited and attended an IEP team meeting on May 16, 2025, to review the results of any assessments. Additionally, the evidence demonstrated that Simi Valley continued conducting the psychoeducational assessment after that date. Joaquin conducted two classroom observations and one recess observation of Student on May 21, 2025. Further, Weiss administered the Wechsler Individual Achievement Test, Fourth Edition, on May 21, and May 28, 2025. The psychoeducational assessment was not completed until at least May 28, 2025. The evidence demonstrated that Simi Valley did not review the completed multidisciplinary evaluation at the May 16, 2025 IEP team meeting. An IEP team meeting to review the results of the completed May 1, 2025 multidisciplinary evaluation was not held until June 4, 2025.

Simi Valley completed the psychoeducational assessment 70 days after receiving the signed assessment plan and held the IEP team meeting to review the completed assessments 77 days after receiving the signed assessment plan. Moreover, Simi Valley's spring recess from March 24, through March 28, 2025 was not in excess of five school days, so the 60-day timeline did not pause during this school vacation. (Ed. Code, §§ 56043, subd. (f)(1), 56344, subd. (a).)

Thus, Simi Valley did not complete the psychoeducational assessment and hold the IEP team meeting to review the May 1, 2025 multidisciplinary evaluation results within the statutorily required 60-day timeline.

Simi Valley failed to prove by a preponderance of the evidence that the May 1, 2025 initial comprehensive multidisciplinary psychoeducational evaluation, which included a psychoeducational assessment and a speech and language assessment, complied with legal requirements and was appropriately conducted. Specifically, Simi Valley failed to show it provided Parent a legally sufficient assessment plan and complied with the 60-day timeline to complete the psychoeducational assessment and hold an IEP team meeting to review the completed May 1, 2025 multidisciplinary evaluation.

Therefore, Student is entitled to an independent psychoeducational evaluation at public expense.

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.

Simi Valley's May 1, 2025 initial comprehensive multidisciplinary psychoeducational evaluation, which included a psychoeducational assessment and a speech and language assessment, was not appropriate, such that Student is entitled to an independent psychoeducational evaluation at public expense.

Student prevailed on the sole issue.

REMEDIES

Student requests that Simi Valley fund independent educational evaluations in the areas of psychoeducation, speech and language, and occupational therapy. Simi Valley contends Student is not entitled to publicly funded independent educational evaluations because its May 1, 2025 multidisciplinary evaluation was appropriate. This Decision finds that Simi Valley's May 1, 2025 multidisciplinary evaluation was not legally compliant, such that Student is entitled to an independent educational evaluation on each component of the multidisciplinary evaluation. Remedies under the IDEA are based on equitable considerations and the evidence established at hearing. (*Burlington v. Department of Education* (1985) 471 U.S. 359, 374.) Courts may craft appropriate relief for a party.

Simi Valley's multidisciplinary evaluation included psychoeducational and speech and language assessments. Accordingly, Simi Valley is ordered to fund an independent psychoeducational evaluation and an independent speech and language evaluation. Simi Valley will contract with a qualified assessor, in each area, of Parent's choice who meets Simi Valley's independent educational evaluation criteria.

Student shall have until 5:00 p.m. on November 21, 2025 to notify Simi Valley in writing of his choice of assessors, qualified pursuant to Simi Valley's criteria for independent evaluations, to conduct a psychoeducational assessment and a speech and language assessment. Nothing in this Order prevents Student from requesting an assessor from Simi Valley's approved list of assessors. Within 10 business days of its receipt of Student's selection, Simi Valley shall initiate contact with the assessors to develop contracts with the assessors to perform the assessments. If Student fails to timely select an independent assessor, Simi Valley may choose a qualified independent

assessor to conduct each assessment. Simi Valley will have 30 days from November 22, 2025, to contract with an assessor in each area, if Student fails to timely identify chosen assessors.

If Student wishes Simi Valley to consider the results of the independent educational evaluations, an IEP team meeting for each assessment will be convened, virtually or in-person, no later than 30 days after the date each assessment report is served on Simi Valley. Simi Valley shall fund each assessor's attendance at the IEP team meetings, at which that assessor presents the results of their assessment. These same timelines apply in the event Simi Valley selects assessors due to Student's failure to timely choose assessors.

Student also requested an independent occupational therapy assessment. Occupational therapy was not an area of assessment in the May 1, 2025 multidisciplinary evaluation. Student did not present any evidence at hearing supporting the need for an award of an occupational therapy assessment. Therefore, no independent occupational therapy evaluation is ordered.

ORDER

1. Simi Valley must fund independent educational evaluations in the areas of psychoeducation and speech and language, consistent with Simi Valley's criteria for such evaluations.
2. Student shall have until 5:00 p.m. on November 21, 2025 to notify Simi Valley in writing of his choice of a qualified assessor in each area. Within 10 business days of its receipt of Student's selection, Simi Valley shall initiate contact with the assessors to develop

contracts with the assessors to perform the assessments. If Student fails to timely select an independent assessor, Simi Valley may choose a qualified independent assessor to conduct the assessment. Simi Valley will have 30 days from November 22, 2025, to contract with an assessor in each area, if Student fails to timely identify chosen assessors.

3. If Student wishes Simi Valley to consider the results of the independent educational evaluations, an IEP team meeting for each assessment will be convened, virtually or in-person, no later than 30 days after the date each assessment report is served on Simi Valley. Simi Valley shall fund each assessor's attendance at the IEP team meetings, at which that assessor presents the results of their assessment. These same timelines apply in the event Simi Valley selects assessors due to Student's failure to timely choose assessors.

RIGHT TO APPEAL THIS DECISION

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

Jeanie Min

Administrative Law Judge

Office of Administrative Hearings