

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

DELANO JOINT UNION HIGH SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

CASE NO. 2025090879

DECISION

NOVEMBER 19, 2025

Delano Joint Union High School District, also referred to as Delano, filed a due process hearing request naming Student with the Office of Administrative Hearings, called OAH, on September 24, 2025. Administrative Law Judge Robert G. Martin heard this matter by videoconference on October 21 and 22, 2025.

Attorney Melissa Allen represented Delano. Delano's Assistant Superintendent of Student Services, Rene Ayon, attended the hearing on Delano's behalf. Parent did not appear for the hearing. Parent received the emailed invitation for the videoconference prehearing conference and appeared at the prehearing conference. However, Parent did not respond to the emailed invitation for the videoconference hearing. After waiting 10 minutes for Parent to appear, the ALJ admitted Delano's attorney and representative

and began the hearing. Attorney Allen represented that Parent had participated in the parties' meet and confer session ordered by OAH, and Parent indicated then that they did not intend to attend the hearing. OAH sent both parties the same invitation each day of hearing. Parent did not appear, or contact OAH, thereafter.

At Delano's request, the matter was continued to November 13, 2025, for submission of written closing briefs. On October 23, 2025, OAH informed Parent of their right to submit a closing brief. Delano submitted a closing brief on November 13, 2025. Student did not submit a closing brief. The record was closed, and the matter submitted on November 13, 2025.

In this Decision, a free appropriate public education is called a FAPE, and an individualized education program is called an IEP.

ISSUE

May Delano assess Student according to its assessment plan of March 5, 2025?

Delano's due process hearing request correctly indicated in its statement of facts that Delano sent Parent its assessment plan on March 5, 2025, but a typographic error in the statement of the issue for hearing incorrectly referred to the date of the assessment plan as March 4, 2025. This incorrect reference to March 4, 2025, was included in the PHC Order. However, the evidence at hearing included an assessment plan and transmittal letter each dated March 5, 2025, and established that there was no possibility of confusion with another assessment plan of a different date. The issue for hearing has therefore been restated to correct the typographic error.

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, 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) & (i)(2)(C)(iii); 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].)

Here, Delano has 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).)

Student was fifteen years old and would have been in tenth grade at the time of hearing if he had been attending school. Student resided within Delano's geographic boundaries at all relevant times. Student was eligible for special education under the categories of orthopedic impairment and intellectual disability.

ISSUE: MAY DELANO ASSESS STUDENT ACCORDING TO ITS ASSESSMENT PLAN OF MARCH 5, 2025?

Delano seeks a decision and order authorizing it to reevaluate Student pursuant to its March 5, 2025 assessment plan, without Parent's consent, to determine Student's current need for special education and related services. Delano contends it has complied with all statutory requirements for notice of the proposed assessment and made repeated, documented efforts to obtain parental consent.

It asserts that a reevaluation is necessary because Student was last assessed in the spring of 2023, while enrolled in Delano Union Elementary School District. Delano Joint Union High School District has never been able to assess Student since he transitioned there for high school in the fall of 2024. Delano also contends reevaluation was necessary to resolve Parent's and Delano's disagreement over whether and how Delano could safely address Student's medical needs if he attended high school.

A FAPE means special education and related services that are available to an eligible child that meet state educational standards at no charge to the parent or guardian. (20 U.S.C. § 1401(9); 34 C.F.R. § 300.17 (2006).) 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); 34 C.F.R. §§ 300.320, 300.321, 300.501(2006); see also, Ed. Code, §§ 56031, 56032, 56341, 56345, subd. (a), 56363 subd. (a).)

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. A school district provides these 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; *Andrew F. v. Douglas County Sch. Dist. RE-1* (2017) 580 U.S. 386, 402 [137 S.Ct. 988, 1000].)

School district evaluations of students with disabilities under the IDEA serve two purposes. Initial evaluations of students not yet found eligible for special education are used to identify students who need specialized instruction and related services because of an IDEA-eligible disability, and to help the student's IEP team identify the special education and related services the student requires. (34 C.F.R. §§ 300.301, 300.303 (2006).) Periodic reevaluations of students already found eligible for special education serve the second purpose of helping the IEP team update the special education and related services a student requires. (See 71 Fed. Reg. 46,640 (Aug. 14, 2006).)

School districts are ordinarily required to obtain a parent's consent to reevaluate their child. However, a school district may conduct a reevaluation without parental consent if it shows at a due process hearing that conditions warrant reevaluating the child, that it is lawfully entitled to do so, and has made reasonable efforts to obtain the parent's consent. (20 U.S.C. § 1414(c)(3); 34 C.F.R. § 300.300(c)(ii) (2006); Ed. Code, §§ 56381, subd. (f)(3), 56501, subd. (a)(3).) The school district must demonstrate at hearing both that the educational or related services needs of the child warrant reassessment of the child, and that the district has complied with all procedural requirements to obtain the parent's informed consent. (*Ibid.*)

Notwithstanding these provisions, a parent may exempt their child from any physical examination by submitting an annual written statement to the principal of the child's school stating that the parent will not consent to a physical examination of the student. (Ed. Code, § 49451.)

REEVALUATION OF STUDENT IS WARRANTED

The IDEA provides for reevaluations, referred to as reassessments in California law, to be conducted no more frequently than once a year, but at least once every three years, unless the parent and school district agree otherwise. (20 U.S.C. § 1414(a)(2)(B); 34 C.F.R. § 300.303(b) (2006); Ed. Code, § 56381, subd. (a)(2).) A reevaluation must be conducted if the school district "determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation ... or if the child's parent or teacher requests a reevaluation." (20 U.S.C. § 1414(a)(2)(A)(i) and (ii); 34 C.F.R. § 300.303(a)(1) (2006); Ed. Code, § 56381, subd. (a)(1).) An IEP team reviewing a child's existing evaluation data may decide that updated information from a reevaluation is necessary to develop an educational program that ensures the child continues to receive a FAPE. Such updated information may include present levels of academic achievement and related developmental needs of the child, and whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum. (34 C.F.R. § 300.305(a)(2) (2006).)

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STUDENT'S LAST REEVALUATION IN 2023

Student was last assessed in the spring of 2023 by his prior school district, Delano Union Elementary School District, in a triennial reevaluation when he was in seventh grade. The assessors observed and assessed Student in his home hospital placement.

As of the spring of 2023, Student had been eligible for special education since age three under the categories of orthopedic impairment and intellectual disability, and had received most of his education through home hospital. Student had many medical diagnoses, including

- cerebral palsy,
- global developmental delay,
- asthma,
- Crohn's disease of the small and large intestines, and
- Allan-Herndon-Dudley syndrome, a thyroid disorder that affected his cognition, mobility and overall health.

Student was nonverbal, and used a wheelchair for mobility. He was fed exclusively through a gastric feeding tube, and eliminated waste through an ileostomy bag connected to his small intestine through an opening in his abdomen.

Student was not able to participate in standardized testing in 2023. Based on direct observation and Parent's questionnaire responses, Student's physical, adaptive, social emotional, cognitive, and communication skills were significantly below average, and he was functioning at approximately the level of a typical six-month old child. Student demonstrated a desire to communicate with others. His ability to use

communication devices that depend on hand movements was limited by orthopedic impairments that limited his range of motion and accuracy pointing. However, he demonstrated sufficient eye control during his 2023 assistive technology assessment to warrant a test of an eye-gaze device that would facilitate communication by tracking where Student was looking on a computer screen displaying pictures or symbols.

Following his triennial reevaluation, Delano Union Elementary School District continued Student's home hospital placement, providing Student one hour per day of in-home academic instruction, five days per week. The district also provided Student consultation services for speech and language and assistive technology, to assist Student's development of communication with his teacher and Parent.

STUDENT'S LAST CONSENTED-TO IEP IN APRIL 2024

Delano Union Elementary School District was responsible for Student's education in kindergarten through eighth grade. Student's IEP team met to create his eighth grade annual IEP on April 9, 2024. In anticipation of Student's transition to Delano Joint Union High School District for ninth through twelfth grades, a representative of the high school district, Shirden Prince, attended this IEP team meeting. Parent reported Student had been healthy, with no surgeries, during eighth grade. Student's home hospital teacher reported Student made progress using his eye-gaze device for communication, and a gait trainer to help him walk. The IEP team continued to offer Student placement in home hospital for the regular and extended school year, with 300 minutes per week in-home academic instruction, 80 minutes per month of speech and language therapy, and 30 minutes monthly consultation with a speech and language pathologist. The IEP

included a page for “next year school services” in high school at Delano, which did not include any direct speech and language services. Parent consented to the April 9, 2024 IEP on April 15, 2024. This was the last IEP Parent consented to before the hearing.

DELANO’S PROPOSALS TO TRANSITION STUDENT FROM HOME HOSPITAL TO CLASSROOM-BASED INSTRUCTION

At the April 9, 2024 IEP team meeting, Parent and Delano’s representative Prince discussed whether Student might attend school in person for his 2024-2025 ninth grade year. Prince explained a possible placement for Student in a special day class for students with moderate to severe disabilities, and discussed available supports including nursing services. Parent said she was interested in Student attending school in person if his health issues allowed it and asked to visit the proposed classroom.

The 2024-2025 school year at Delano started on August 14, 2024. As provided in his operative April 9, 2024 IEP, Student’s placement remained home hospital. For reasons not explained at hearing, Delano did not provide the in-home academic instruction or speech and language services specified in the IEP.

Delano held its first IEP team meeting for Student on August 29, 2024. The stated purpose of the meeting was “to give [Student] a look at his schedule and minutes for Cesar E. Chavez [High School]. We will also be discussing his accommodations needed for him to be able to come to school.”

The meeting generated an August 29, 2024 Addendum to Student’s April 9, 2024 IEP. To begin transitioning Student to classroom instruction at Chavez High School, the August 29, 2024 Addendum IEP offered Student the service of a one-to-one

paraprofessional while Student participated in a modified physical education class 290 minutes per week, and in the general education environment during breakfast, lunch, recess and passing periods for 411 minutes per week. This would be in addition to his existing home hospital academic instruction and speech and language services. The addendum IEP contained a detailed health and emergency care plan that included training for his teacher and paraprofessionals by the school nurse in how to monitor and use his gastric feeding tube and ileostomy bag. Parent did not consent to the August 29, 2024 Addendum IEP.

Student's IEP team met again on October 2, 2024 "to adjust the minutes on [Student's] IEP." Based on the information available to Delano concerning Student's disabilities, his then-stable medical needs, and his progress in communication and mobility, Delano believed the least restrictive environment appropriate for Student was in a moderate to severe special day class on a comprehensive high school campus. At the meeting, the IEP team offered Student a second Addendum to the April 9, 2024 IEP. This October 2, 2024 Addendum IEP did not include Delano's prior offer of home hospital instruction and services made in the August 29, 2024 Addendum IEP. Instead, the October 2, 2024 Addendum offered Student a half-day program of classroom-based instruction and services five days per week.

Parent brought Student to school for part of each of the next two days. However, Parent became upset when she realized that the school nurse was not assigned to be with Student on a one-to-one basis throughout the school day, but would instead be on-campus and available to assist Student's teacher and paraprofessionals with any medical issues Student might have. Parent did not consent to the October 2, 2024 IEP Addendum, and never brought Student to school again, through the time of hearing.

Student's IEP team met again on October 15, 2024 to discuss Parent's request to stop pursuing classroom instruction for Student and instead resume offering Student home hospital instruction. Delano told Parent it needed a doctor's note for its files confirming Student's need for home hospital instruction before beginning that service, but agreed to implement home hospital instruction and services on an interim basis while Parent obtained the required note. Parent told the IEP team Delano did not have to worry about working with Student until the second semester of school, which began in mid-January 2025. Delano stated it wanted to assess Student's need for orthopedic assistance, assistive technology, adaptive physical education, and occupational therapy to prepare for Student's return to classroom-based instruction for the second semester of the 2024-2025 school year. However, Delano did not give Parent a written assessment plan until March 2025.

In December 2024, Parent provided Delano a completed copy of Delano's verification of medical condition for home instruction form, in which a treating physician stated "it would be best" for Student to be schooled at home through the end of the 2024-2025 school year due to his Crohn's disease. Delano did not believe that this note, or any other information provided by Parent, explained why Student could not attend school.

Delano attempted to schedule an IEP team meeting to discuss Parent's request to keep Student on home hospital through the end of the school year, but Parent declined to schedule a meeting. She told Delano the IEP meetings were a waste of her time. Parent did agree Student's IEP team could meet without her on February 7, 2025, to discuss his home hospital placement. At that meeting, the district members of the IEP team decided to offer Student placement in home hospital through the end of the 2024-2025 school year. Delano's FAPE offer was stated in the comments section of its

February 7, 2025 IEP, which Delano did not describe as an addendum IEP. Delano offered Student continued specialized academic instruction and speech and language services through home hospital instruction until the last day of school for the 2024-2025 school year. After that, Delano's "proposed plan" was that Student receive classroom-based instruction full time beginning August 2025. If Student could not tolerate a full day of classroom-based instruction, Delano proposed to "modify [Student's] schedule accordingly."

Parent did not consent to the February 7, 2025 IEP. Parent also did not allow Delano's home school special education teacher, or speech and language pathologist, to provide Student in-home instruction and services, although they went to Student's home 12 times between January and March 2025 to attempt to do so. Parent stated she wanted to withdraw Student from Delano and homeschool him, but would not complete the appropriate paperwork. Parent ignored Delano's offer to help her complete the paperwork.

On March 5, 2025, Delano's Assistant Superintendent for Student Services, Rene Ayon, sent Parent a letter transmitting the March 5, 2025 assessment plan, and requesting Parent's consent to it. The assessment plan proposed a comprehensive reevaluation of student in all of Student's areas of suspected disability, with assessments in the areas of

- academic achievement,
- health,
- intellectual development,
- language/speech communication development,

- motor development,
- social/emotional development, and
- adaptive behavior.

As of March 5, 2025, Student had received no instruction or services in the eight months since the end of his extended school year program in June 2024. Regression and Student's present levels of performance were concerns. Student's needs had not been evaluated in two years, and Delano never had an opportunity to assess Student for his transition to high school. Finally, a reevaluation was necessary to resolve Parent's and Delano's disagreement over whether and how Delano could safely address Student's medical needs if he attended high school.

Delano therefore established that the Student's educational or related services needs warranted reassessment.

DELANO TOOK REASONABLE MEASURES TO OBTAIN PARENT'S CONSENT TO THE MARCH 5, 2025 ASSESSMENT PLAN

Reevaluation of a student generally requires informed parental consent. (20 U.S.C. § 1414(c)(3); Ed. Code, § 56381, subd. (f)(1).) However, informed parental consent is not required if the local educational agency can demonstrate that it has taken reasonable measures to obtain consent and the parent has failed to respond. (Ed. Code, § 56506, subd. (e); 34 C.F.R. § 300.300(c)(2) (2006).) "Consent," as defined in title 34 of the Code of Federal Regulations, part 300.9(a), means the parent has been fully informed, in the parent's native language, of all information relevant to the activity for which consent is sought. To demonstrate that it took reasonable measures, the school district must keep detailed records of telephone calls, copies of correspondence and

any responses received, and records of visits made to the parent's home or place of employment and the results of those visits, and the use of interpreters, as appropriate. (Ed. Code, § 56381, subd. (f)(2), 34 C.F.R. § 300.322(d) (2006).)

Ayon's March 5, 2025 letter to Parent explained Delano was legally obligated to provide Student a FAPE as long as Student was enrolled in the district. Ayon outlined Parent's options as including:

- consenting to Delano's proposed assessments so Delano would have adequate data to make an appropriate FAPE offer, then participating in an IEP meeting to develop the FAPE offer;
- completing a private school affidavit and filing it with the Department of Education to disenroll Student from Delano and allow Parent to homeschool him; or
- revoking consent to Student receiving special education, which would relieve Delano of its obligation to provide Student a FAPE.

Ayon asked Parent to respond by March 17, 2025. Otherwise, he explained, Delano would reluctantly have to fulfill its legal obligations by filing a due process hearing request to obtain a decision that Delano could assess Student without Parent's consent. On receiving the March 5, 2025 letter, Parent telephoned Ayon to object to his having sent it, but did not otherwise respond.

On March 26, 2025, Ayon wrote Parent again, reiterating Delano's legal obligations and transmitting another copy of the assessment plan, identical to the first except that it was dated March 25, 2025. Parent again telephoned Ayon to object to his having sent the letter but did not otherwise respond.

On April 3, 2025, Delano filed with OAH a request for mediation, only, with Parent, to attempt to obtain Parent's consent to Delano's assessment plan. Parent initially agreed to participate in mediation, then withdrew her agreement. No mediation was held.

Delano also attempted several times without success to schedule IEP meetings with Parent. Delano did schedule an IEP meeting for April 8, 2025, after Parent indicated to Student's case manager that she was available on that date, but Parent did not appear.

When Ayon telephoned Parent on August 6, 2025, before the start of the 2025-2026 school year, Parent told Ayon to leave her alone and hung up. Student did not attend school during the 2025-2026 school year through the time of hearing, and there were no further communications from Parent to Delano other than during the PHC and a meet and confer session with Delano's attorney in this case.

Ayon mailed Parent a letter transmitting a third copy of Delano's assessment plan on September 5, 2025, again requesting Parent's consent to the assessment plan as an alternative to a due process proceeding. The plan, dated September 4, 2025, differed from the two assessment plans previously sent only in that it mistakenly omitted Delano's proposal to assess Student's motor development. As with its previous March 5 and March 26, 2025 assessment plan mailings, Delano received delivery confirmation from the Post Office. Parent did not respond to Delano's September 5, 2025 letter.

When Parent did not consent or respond substantively to any of Delano's three assessment plans, Delano determined to proceed to hearing on the March 5, 2025 assessment plan instead of the September 4, 2025 plan because it believed Student's motor development needs required assessment. Delano's September 24, 2025

complaint gave Parent notice that Delano was proceeding to hearing on the March 5, 2025 plan. Parent had reasonable opportunity to consent to any of the assessment plans Delano offered, or to raise objections in this proceeding to the March 5, 2025 plan if Parent believed the assessments it proposed were inappropriate.

Delano demonstrated that it took reasonable measures to obtain Parent's informed consent to its assessment plan for Student, but Parent failed to respond. Delano fully informed Parent in Parent's native English language, of why it needed to assess Student and what it would assess. Delano's evidence included records of telephone calls, copies of Delano's correspondence and Parent's responses, and records of visits made to Parent's home. The evidence proved Delano made repeated attempts over many months to obtain Parent's consent to a comprehensive reevaluation of Student.

DELANO COMPLIED WITH PROCEDURAL REQUIREMENTS

To start the process of obtaining informed parental consent for a reevaluation, the school district must provide proper notice to the parent. (20 U.S.C. §§ 1414(b)(1), 1415(b)(3) & (c)(1); Ed. Code, §§ 56321, subd. (a), 56381, subd. (a).) The notice consists of the proposed assessment plan and a written explanation of all the parental rights and procedural safeguards under the IDEA and related State law. (*Ibid.*) The assessment plan must be in language easily understood by the general public, and provided in the native language of the parent. It must explain the types of assessments the district proposes to conduct, and state that an IEP will not result from the assessment without the consent of the parent. (Ed. Code, § 56321, subds. (b)(1)-(4); see also 34 C.F.R. § 300.304(a) (2006).)

In addition, the proposed written assessment plan must include a description of any recent assessments conducted, including available independent assessments. It must include an assessment information the parent requests to be considered, and information indicating the pupil's primary language and the pupil's language proficiency in the primary language. (Cal. Code Regs. Tit. 5, § 3022.)

The assessment plan must be accompanied by notice that advises parents that an IEP team meeting will be scheduled to discuss the assessment results and recommendations. (Ed. Code § 56329, subd. (a)(1).) The notice must also explain limitations on eligibility for special education and related services, and that parents will receive a copy of the assessment report and documentation of the determination of eligibility. (Ed. Code, § 56329, subds. (a)(2), (3).) It must state that a parent has the right to obtain, at public expense, an independent educational assessment under certain circumstances, and explain the procedure for requesting such an assessment. (Ed. Code, § 56329, subd. (b).) It must explain the due process hearing procedure that a school district may initiate to defend against an independent assessment at public expense, and the rights of a school district to observe a student in a proposed publicly financed nonpublic school placement. (Ed. Code, § 56329, subds. (c), (d).)

The school district must give the parent 15 days to review, sign, and return the proposed assessment plan. (Ed. Code, § 56321, subd. (a).)

Delano's March 5, 2025 letter to Parent contained the March 5, 2025 assessment plan, and a written explanation of parental rights and procedural safeguards under the IDEA and State law. All the documents were in English, Parent's native language. The March 5, 2025 assessment plan was in language easily understood by the general public. It described the types of assessments Delano proposed to conduct, using qualified

assessors. It explained that assessments could include classroom observations, rating scales, one-to-one testing, or other types or combinations of assessments. The March 5, 2025 assessment plan stated that an IEP would not result from the assessment without Parent's consent.

The written explanation of parental rights and procedural safeguards explained that an IEP team meeting would be held to discuss the assessment and determine eligibility. It stated parents were entitled to a copy of the assessment report and documentation of the determination of eligibility. It explained the procedure and circumstances under which parents could obtain an independent educational assessment at public expense, or at their own expense. It described how a due process hearing could be requested by the school district to defend its assessment, and the scope of the school district's right to observe a student in a proposed new school setting.

The March 5, 2025 assessment plan did not include a description of recent assessments because there were none. Student had not been assessed since 2025. The assessment was requested by Delano, and so did not include assessment information provided by Parent.

Delano's March 5, 2025 letter transmitting the March 5, 2025 assessment plan asked Parent to respond in 12 days, by March 17, 2025, instead of the required 15 days. However, Delano's subsequent March 26, 2025 letter transmitting the identical assessment plan, except for the date, put no deadline on Parent's response. Ultimately, Delano did not file for due process to obtain a decision allowing it to assess pursuant to

the March 5, 2025 assessment without Parent's request until September 2025, more than six months after March 5, 2025. Parent had significantly more than the statutorily required 15 days to review, consider, and give consent to March 5, 2025 assessment plan.

Delano proved by a preponderance of the evidence that Student's educational or related services needs warranted reassessment. The March 5, 2025 assessment plan contained all required components and was accompanied by the required notice. Delano complied with all procedural requirements to obtain Parent's informed consent, and took reasonable measures to obtain that consent, but Parent failed to respond.

Delano is entitled to assess Student without Parent's consent.

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

Delano may assess Student pursuant to its March 5, 2025 assessment plan, without Parent's consent.

Delano prevailed on the sole issue for hearing.

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ORDER

1. Delano may assess Student pursuant to its March 5, 2025 assessment plan, without Parent's consent. Parent shall not place any conditions on Delano's assessing Student.
2. Delano shall notify Parent in writing within 15 business days of the date of this Decision, of the days, times, and places Parent is to present Student for assessments, and Parent shall reasonably cooperate in presenting Student on the indicated days, times, and places.
3. Parent shall timely complete and return any documents reasonably requested by Delano as part of the assessments.

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.

Robert G. Martin
Administrative Law Judge
Office of Administrative Hearings