

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

PARENTS ON BEHALF OF STUDENT,

V.

FOLSOM-CORDOVA UNIFIED SCHOOL DISTRICT.

CASE NO. 2024110401

DECISION

February 18, 2025

On November 13, 2024, the Office of Administrative Hearings, called OAH, received a due process hearing request from Parents on behalf of Student, naming Folsom-Cordova Unified School District. Administrative Law Judge Rommel P. Cruz heard this matter by videoconference on December 31, 2024, and January 2, 7, 9, and 13, 2025.

Attorney Michelle Wilkolaski represented Student. Student's parents, referred to as Mother and Father, and together as Parents, attended all hearing days on Student's behalf.

Attorneys Rebecca Diddams, Katherine Yoshida, and Anne Sherlock represented Folsom-Cordova Unified. Director of Special Education Aaron Storey attended all hearing days on Folsom-Cordova Unified's behalf.

At the parties' request, the matter was continued to January 27, 2025, for written closing briefs. The record was closed, and the matter was submitted on January 27, 2025.

## ISSUES

A free appropriate public education is called a FAPE. An individualized education program is called an IEP. The issues heard and decided, as clarified by the parties and the Administrative Law Judge at the prehearing conference and hearing are as follows:

1. Did Folsom-Cordova Unified deny Student a FAPE by failing to offer an adequate behavior goal in the November 15, 2022, IEP?
2. Did Folsom-Cordova Unified deny Student a FAPE in the November 15, 2022 IEP by offering insufficient accommodations?
3. Did Folsom-Cordova Unified deny Student a FAPE by failing to offer in the November 15, 2022 IEP:
  - a. sufficient speech and language services;
  - b. sufficient occupational therapy services;
  - c. behavior intervention services;
  - d. a one-to-one aide;
  - e. parent training in behavior, and speech and language; and
  - f. placement with neuro-typically developing peers to the maximum extent possible?

4. Did Folsom-Cordova Unified deny Student a FAPE by predetermining the November 15, 2022 IEP's offer of:
  - a. speech and language services;
  - b. occupational therapy services; and
  - c. transportation?
5. Did Folsom-Cordova Unified deny Student a FAPE by failing to offer an adequate behavior goal in the November 14, 2023 IEP?
6. Did Folsom-Cordova Unified deny Student a FAPE in the November 14, 2023 IEP by offering insufficient accommodations?
7. Did Folsom-Cordova Unified deny Student a FAPE by failing to offer in the November 14, 2023 IEP:
  - a. sufficient speech and language services;
  - b. sufficient occupational therapy services;
  - c. behavior intervention services;
  - d. a one-to-one aide;
  - e. parent training in behavior, and speech and language; and
  - f. placement with neuro-typically developing peers to the maximum extent possible?
8. Did Folsom-Cordova Unified deny Student a FAPE by predetermining the November 14, 2023 IEP by not:
  - a. accommodating Student's release from school at 11:30 a.m.; and
  - b. addressing Parents' concern regarding the special education teacher's absences during the school year?

## 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; 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, Student requested the due process hearing and carried the burden of proof as to the 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 nine years old and in third grade at the time of the hearing. She resided with Parents within Folsom-Cordova Unified's boundaries at all relevant times. She was eligible for special education services under autism and intellectual disability.

## ISSUE 1: DID THE NOVEMBER 15, 2022 IEP FAIL TO OFFER AN ADEQUATE BEHAVIOR GOAL?

Student contends the November 15, 2022 IEP required a behavior goal to address her crying, toileting accidents, pushing on her ears in response to loud noises, and self-stimulatory behaviors such as touching her hair and curling her hands. Student argues the November 15, 2022 IEP's failure to offer a goal to address those behaviors denied her a FAPE.

Folsom-Cordova contends Student did not display any behaviors that impeded her learning or the learning of others. Therefore, Folsom-Cordova Unified argues Student did not require a behavior goal in the November 15, 2022 IEP to receive a FAPE.

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

The IEP is a comprehensive, written statement that details the educational needs of a child with a disability, and the specially designed instruction and related services to be employed to meet those needs. (*School Comm. of Town of Burlington, Mass. v. Department of Educ. of Mass.* (1985) 471 U.S. 359, 368 [105 S.Ct. 1996]; *Honig v. Doe* (1988) 484 U.S. 305, 311 [108 S.Ct. 592, 98 L.Ed.2d 686]; 20 U.S.C. §§ 1401(14), 1414(d)(1)(A); Ed. Code, §§ 56032, 56345.) Parents and school personnel must develop, review, and revise the IEP 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.)

An IEP includes a statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum. (20 U.S.C. § 1414(d)(1)(A)(i)(I); 34 C.F.R. § 300.320(a)(1); Ed. Code, § 56345, subd. (a)(1).) The IEP must also include a statement of measurable annual goals, including academic and functional goals, designed to meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum, and meet each of the child's other educational needs that result from the child's disability. (20 U.S.C. § 1414(d)(1)(A)(i)(II); 34 C.F.R. § 300.320(a)(2); Ed. Code, § 56345, subd. (a)(2).)

The purpose of annual goals is to permit the IEP team to determine whether the child is making progress in an area of need. (Ed. Code, § 56345, subd. (a).) However, the IDEA does not require an IEP to contain every goal from which a student might benefit. (*Capistrano Unified School Dist. v. S.W., et al.* (9th Cir. 2021) 21 F.4th 1125, 1133 (*Capistrano*).) Moreover, a school district is not required to develop goals for areas covered by the general curriculum for which the student needs only accommodations

and modifications. (Fed. Regs., Appendix A, Part 300 - Assistance to States for the Education of Children with Disabilities (1999), discussing language also contained in the 2004 reauthorization of the IDEA at 20 U.S.C. § 1414(d)(1)(A)(i)(II) (Fed. Regs., Appendix A, Part 300).)

In resolving the question of whether a school district offered a FAPE, the focus is on the adequacy of the school district's proposed program. (*Gregory K. v. Longview School Dist.* (9th Cir. 1987) 811 F.2d 1307, 1314 (*Gregory K.*)). It must be assessed in terms of what was objectively reasonable when the IEP was developed. (*Fuhrmann v. East Hanover Board of Educ.* (3d Cir. 1993) 993 F.2d 1031.) An IEP is evaluated in light of information available at the time it was developed, and is not to be evaluated in hindsight. (*Adams v. State of Oregon* (9th Cir. 1999) 195 F.3d 1141, 1149.)

Whenever a child's behavior impedes his learning or that of others, the IEP team must consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior. (20 U.S.C. § 1414(d)(3)(B); 34 C.F.R. § 300.324(a)(2)(i); Ed. Code, § 56341.1, subd. (b)(1).)

Student was in first grade during the 2022-2023 school year. She was placed in a special day class described as an intensive autism class, which Student began attending in kindergarten. The intensive autism class served students with moderate to severe disabilities, and had on average seven to nine students. The special education teacher was supported by three classroom aides, giving the class a student-to-staff ratio of about two-to-one. Students in the class received a modified curriculum, with lessons delivered to each child's individual skill level.

During the 2022-2023 school year, Parents requested to pick Student up from school at 11:30 a.m. to feed her lunch. Mother testified that Student would not eat the lunch Parents prepared for her and would instead, eat unhealthy foods from peers. This caused Student constipation. Folsom-Cordova Unified accommodated Parents' request, and Parents picked Student up from school at 11:30 a.m. each day.

Parents returned Student to school for speech and language services in the afternoon. Student spent her school day in the intensive autism class, with mainstreaming opportunities during recess, and weekly 30-minute visits into a general education class.

## STUDENT'S PRESENT LEVELS AND NEEDS IN NOVEMBER 2022

Folsom-Cordova Unified held an IEP team meeting on November 15, 2022, to develop Student's annual IEP. Parents and Student's regional center case manager Amy Arguello attended the meeting. Special education teacher Jennifer Torres, school principal Joanie Cunningham, speech-language pathologist Heather Maloney, occupational therapist Jennifer Kothe, and general education teacher Margaret Hanley also attended the meeting.

The IEP team reviewed Student's progress on prior IEP goals and discussed her present levels of academic and functional performance. Student was friendly, and responded positively to verbal praises. She enjoyed activities that allowed her to move. She hopped on one foot, spun in circles, and giggled uncontrollably when she was happy.

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Father testified Student often touched her hair and motioned her hands in a curling pattern at home as a form of self-stimulation, also known as stimming. Student spoke quietly and used short simple phrases. She had difficulty expressing her wants and needs. Student was also sensitive to loud noise, and would cry when it got too loud. In response to loud noise, Student pushed on the back of her ears or pressed one ear to her shoulder while pushing on the back of the other ear to block the noise. She also cried for no apparent reason. She required frequent prompts to focus and participate in class.

As discussed later in this Decision, Student's reading, writing, and math skills were significantly behind her general education peers and her communication skills were very limited. She struggled to write, and hold writing and cutting instruments.

The November 15, 2022 IEP team identified functional math, reading, and routines as areas of need. The team also identified social skills, speech intelligibility, language comprehension, expressive language, fine motor skills, visual motor and perceptual skills, bilateral coordination, and sensory processing as areas of need. The IEP team did not identify behavior as an area of need.

## STUDENT DID NOT EXHIBIT BEHAVIORS THAT WARRANTED A BEHAVIOR GOAL

Student's argument that her crying, toileting accidents, pushing on her ears in response to loud noises, and self-stimulatory behaviors such as touching her hair or curling her hands required an IEP goal was not persuasive. Student failed to establish

she had behaviors during the 2022-2023 school year that warranted a behavior goal for crying, toileting, and self-stimulatory behaviors. Rather, testimony from Folsom-Cordova Unified's staff established Student did not have behaviors that impeded her learning or the learning of others.

Special education teacher Torres taught the intensive autism class since August 2009. She was credentialed to teach students with moderate to severe disabilities. Torres taught Student for kindergarten and first grade, and understood Student's unique academic and functional needs at school. Torres testified at the hearing.

Speech-language pathologist Maloney also testified at hearing. Maloney was a licensed speech-language pathologist for more than 22 years, and a pathologist with Folsom-Cordova Unified since 2013. She had a master's degree in speech-language pathology, and a Certificate of Clinical Competence by the American Speech and Hearing Association. She had extensive experience assessing, and delivering speech and language services to, students in kindergarten through fifth grade, including students with autism and intellectual disability.

Maloney was familiar with Student's behaviors. She assessed Student when Student was in kindergarten and provided 30 minutes a week of speech and language services to Student when Student was in kindergarten through second grade. Furthermore, she supported the classroom each day, averaging six hours a week in the class during the 2022-2023 school year.

Occupational therapist Kothe also testified at hearing. Kothe was an occupational therapist since 2001, and joined Folsom-Cordova Unified as an occupational therapist in 2005. She had a master's degree in occupational therapy and had extensive experience assessing, and delivering occupational therapy services to, students.

Kothe was also familiar with Student's behaviors. Kothe assessed Student in 2018. She also provided Student 30 minutes a week of individual occupational therapy services from kindergarten through the time of the hearing. In addition, Kothe went into Student's classroom at least once a week to support the class during the 2022-2023 school year.

Torres, Maloney, and Kothe had extensive experience in their fields of expertise and were familiar with Student's school behaviors. Their testimony was measured and confident. Accordingly, based on their training, experience, and their extensive amount of time spent with Student in and out of the classroom, Torres's, Maloney's and Kothe's testimony were persuasive and their opinions given substantial weight.

Torres testified Student had no problem behaviors at school. Student did not leave an area without permission, was not aggressive, nor disruptive. She opined Student's behaviors did not impede her learning or the learning of her peers.

Maloney testified she did not observe Student display problem behaviors, such as elopement or aggression, in the classroom. She also testified Student had no problem behaviors during speech therapy. Student was not disruptive and was easily redirected.

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Kothe testified she also did not observe Student display problem behaviors in the classroom, or during occupational therapy sessions. Torres, Maloney, and Kothe persuasively opined Student did not have problem behaviors at school, and the behaviors Parents identified at hearing did not interfere with her learning or the learning of others.

## CRYING

Student failed to prove she required a behavior goal in the November 15, 2022 IEP for her crying. Torres, Maloney, and Kothe were the witnesses most familiar with Student's behaviors at school. They did not know why Student would sometimes cry for no apparent reason. Parents also did not know. The witnesses could only speculate Student would cry when her surroundings got too loud.

Torres, Maloney, Kothe, and the classroom aides properly supported Student when she cried. Folsom-Cordova Unified staff comforted and distracted Student to calm her. Student also used a therapy ball, a trampoline, a cushion wedge, and a weighted blanket to calm herself. She was given headphones when her surroundings got too loud for her which helped her relax and focus.

Student failed to offer any evidence that the strategies to calm and comfort Student were ineffective to respond to her crying. Student also offered no evidence establishing her crying was so frequent and prolonged that it interfered with her learning or the learning of others to the extent that a behavior goal was warranted.

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## TOILETING

Student did not prove she required a behavior goal to address toileting accidents in the November 15, 2022 IEP. Student had a restroom icon at her desk which she could point at to notify staff she needed to use the toilet. However, she did not consistently use the icon, and therefore, would urinate on herself. In response, the November 15, 2022 IEP team offered a bathroom routine goal designed to improve Student's communication when she needed to use the restroom.

Furthermore, Torres and her aides implemented a bathroom routine for Student. An aide would take Student to use the restroom during set times of the school day, such as after arriving in the morning, after eating a snack, and before recess.

The evidence did not clearly establish the frequency of Student's toileting accidents during the 2022-2023 school year. However, the November 15, 2022 IEP noted Student had a "couple" of accidents during the prior eight weeks, suggesting that Student did not have accidents on a daily or weekly basis. Student offered no evidence that her accidents were disruptive to the class or that the time for Student to clean herself and change her clothes was so frequent and disruptive to her learning that an IEP goal was necessary to modify that behavior.

The November 15, 2022 IEP and Student's intensive autism class properly supported her toileting accidents.

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## RESPONSE TO LOUD NOISES AND SELF-STIMULATORY BEHAVIORS

Student did not prove she required a behavior goal in the November 15, 2022 IEP to address her response to loud noises or self-stimulatory behaviors. Student failed to offer any testimony or documentary evidence establishing that those tendencies were distracting to Student or her peers, or that Student was not easily redirected when engaged in those behaviors. Student's responses to loud noises, and her self-stimulatory behaviors were not maladaptive behaviors that required a behavior goal, but rather Student's unique ways of responding to her environment, that neither impeded her learning or the learning of others.

Staff and classroom accommodations appropriately supported Student's sensory-related behaviors. Staff were available to redirect Student when she engaged in self-stimulatory behaviors, and to comfort her when she was upset by using sensory strategies such as headphones to block out loud noises, and weighted blankets and a trampoline to regulate and calm her.

In summary, Folsom-Cordova Unified's decision not to offer a behavior goal specifically to track progress of Student's crying, toileting, response to loud noises, and self-stimulatory behaviors was objectively reasonable, and did not deny Student a FAPE. (*Capistrano, supra*, 21 F.4th at p. 1133; *R.F. v. Cecil County Public Schools* (4th Cir. 2019) 919 F.3d 237, 251 [child did not require social skills goal when the IEP offered opportunities for the child to practice her social skills; Fed. Regs., Appendix A, Part 300.]) Student failed to prove Folsom-Cordova Unified denied her a FAPE by failing to offer an adequate behavior goal in the November 15, 2022 IEP. Folsom-Cordova Unified prevailed on Issue 1.

## ISSUE 2: DID THE NOVEMBER 15, 2022 IEP OFFER INSUFFICIENT ACCOMMODATIONS?

Student contends the accommodations offered in the November 15, 2022 IEP were insufficient to enable her to access her education and make meaningful progress towards her IEP goals. Folsom-Cordova Unified contends the November 15, 2022 IEP offered sufficient accommodations.

An IEP must include a statement of program modifications or supports for school personnel to be provided to the child to enable the child to:

1. advance appropriately toward attaining the annual goals;
2. to be involved in and make progress in the general education curriculum and participate in extracurricular and other nonacademic activities; and
3. be educated and participate in activities with other children with disabilities and nondisabled children. (20 U.S.C. § 1414(d)(1)(A)(i)(IV).)

The accommodations Folsom-Cordova Unified offered in the November 15, 2022 IEP were comprehensive and sufficient to support Student's needs to enable her to access her education. The IEP offered numerous accommodations to support Student, most of which were embedded in her classroom program. Folsom-Cordova Unified offered Student visual and verbal cues, prompts, and visual supports and schedules. Staff reminded Student of rules, and gave positive reinforcements. Classroom staff used a token board and offered Student choices to motivate and encourage her.

To support Student's rate of learning, the November 15, 2022 IEP required Student to receive directions one at a time, instructions to be repeated or rephrased, and her understanding of information checked. The IEP also offered materials at Student's level of understanding. In addition, the IEP offered 20 minutes a month of consultation between the speech-language pathologist and the classroom staff to support generalization of Student's communication skills.

The November 15, 2022 IEP also offered sensory strategies that included giving Student access to a separate quiet space, therapy balls, fidgets and spinners, and a trampoline. Heavy blankets, pressure vests, and lap pads were available, as well as different types of scissors and pencil grips. Student's preferred sensory supports were the therapy ball, trampoline, a cushion wedge, weighted blanket, and headphones. The evidence demonstrated the sensory strategies were sufficient to meet Student's sensory needs.

In addition, Student received significant adult support in her intensive autism class. Staff provided her frequent prompts, redirection, and encouragement. The low staff-to-student ratio of two students to one staff in classroom allowed the teacher and aides to provide Student substantial individual attention through the school day to support her academic and functional needs.

Student offered no testimony or documentary evidence to demonstrate the accommodations Folsom-Cordova Unified offered were insufficient to enable her to benefit from her education. Accordingly, Student failed to prove Folsom-Cordova Unified denied her a FAPE in the November 15, 2022 IEP by offering insufficient accommodations.

Folsom-Cordova Unified prevailed on Issue 2.



### ISSUE 3a: DID THE NOVEMBER 15, 2022 IEP FAIL TO OFFER SUFFICIENT SPEECH AND LANGUAGE SERVICES?

Student contends the November 15, 2022 IEP required more speech and language services because her speech and language development did not meaningfully progress with 30 minutes a week of speech and language services. Folsom-Cordova Unified contends the November 15, 2022 IEP offered sufficient speech and language services.

The IEP must contain statements of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, that will be provided to the student. (20 U.S.C. § 1414(d)(1)(A)(i)(IV); 34 C.F.R. § 300.320(a)(4); Ed. Code, § 56345, subd. (a)(4).) The IEP must show a direct relationship between the present levels of performance, the goals and objectives, and the specific educational services to be provided. (Cal. Code Regs., tit. 5, § 3040.)

In California, related services are called designated instruction and services, and must be provided if required to assist an individual with exceptional needs to benefit from special education. (Ed. Code, § 56363, subd. (a).) Related services include transportation and other developmental, corrective and supportive services, such as speech-language pathology services, that may be required to assist the child in benefiting from special education. (20 U.S.C. § 1401; Ed. Code, § 56031, subd. (b)(1).)

The November 15, 2022 IEP offered 30 minutes a week of individual or group speech and language services outside of the classroom, which was sufficient to enable Student to meet her speech and language goals. In November 2021, Student had difficulty understanding basic quantity and spatial concepts and answering simple

"what" and "where" questions. She also had difficulty speaking clearly because she did not open her mouth enough. She also struggled to produce consonants at the end of words and to produce sounds /s/ and /z/ at the start of words. The November 2021 IEP offered three speech and language goals. Student received 30 minutes a week of speech and language services to help her meet those goals, which speech-language pathologist Maloney delivered.

By November 15, 2022, Student met each of her speech and language goals. Student could understand six spatial concepts such as "above and below," and seven quantity concepts, such as "more or less," that were embedded in a simple direction with two verbal or visual prompts during structured language activities. Student could also proficiently answer "what" questions about familiar items and "where" questions for familiar locations.

In addition, Student's intelligibility improved. When prompted, Student opened her mouth more when speaking. She could also produce the /s/ and /z/ sounds during structured speech activities.

Folsom-Cordova Unified offered three goals in the November 15, 2022 IEP to be supported by speech and language services. One goal aimed to improve Student's ability to respond to staff and peers when they said "Hi" to her. Another goal aimed to improve her understanding of "he" and "she" pronouns. A third goal was designed to improve Student's ability to pronounce the /l/ sound.

The November 15, 2022 IEP offered 30 minutes a week speech and language services, to be delivered individually or in group in a separate classroom. At the November 15, 2022 IEP team meeting, Parents requested more speech and language services.

At hearing, Maloney persuasively opined 30 minutes of speech and language services each week was sufficient to enable Student to meet her speech goals. Maloney understood Student's speech and language needs because she had worked with Student for three school years. She knew how to support Student's needs to enable Student to meet her speech and language goals. Maloney was successful in helping Student meet her 2021 speech and language goals with 30 minutes a week of speech and language services. Thus, continuing the same level of minutes was reasonably calculated to enable Student to meet or make progress towards her new speech goals.

Further, Maloney persuasively explained at hearing that Student's speech and language needs were properly supported in the intensive autism class. The November 15, 2022 IEP offered to continue Student's placement in the intensive autism class. Torres and the aides modeled sound and word pronunciations to improve Student's intelligibility. The staff supported her socialization during recess by supervising and prompting interactions with general education peers. During storytelling, the staff would teach the class pronouns which helped Student learn pronouns like "he" and "she." At hearing, Maloney opined Student's speech and language needs were appropriately supported through the weekly speech and language services she delivered, and the intensive autism class. Student offered no testimony or documentary evidence to challenge Maloney's opinion or to support Student's contention that 30 minutes a week of speech and language services was insufficient to enable her to meet her speech and language goals.

Student failed to prove Folsom-Cordova Unified denied her a FAPE in the November 15, 2022 IEP by failing to offer sufficient speech and language services.

Folsom-Cordova Unified prevailed on Issue 3a.

### ISSUE 3b: DID THE NOVEMBER 15, 2022 IEP FAIL TO OFFER SUFFICIENT OCCUPATIONAL THERAPY SERVICES?

Student contends the November 15, 2022 IEP failed to offer sufficient occupational therapy services to enable Student to meet her occupational therapy goals. Folsom-Cordova Unified contends the IEP offered sufficient occupational therapy services to enable Student to meet her goals.

Occupational therapy as a related service means services provided by a qualified occupational therapist, and includes:

1. improving, developing, or restoring functions impaired or lost through illness, injury or deprivation;
2. improving ability to perform tasks for independent functioning if functions are impaired or lost; and
3. preventing, through early intervention, initial or further impairment or loss of function. (34 C.R.F. § 300.34(c)(6).)

Folsom-Cordova Unified offered Student 30 minutes a week of occupational therapy services in the November 15, 2022 IEP, which was sufficient to enable Student to meet her occupational therapy goals. Student's November 2021 IEP offered 30 minutes a week of occupational therapy services to address a writing goal and a goal for cutting with scissors. Occupational therapist Kothe delivered the services.

By November 14, 2022, Student's writing improved. In November 2021, Student could only write the letters in her name, used mixed letter cases, and struggled to write letters legibly and in the same sizes. Further, Student could not consistently use a

mature grasp to hold a writing instrument. By November 14, 2022, Student could copy 20 of the 26 letters in the alphabet correctly and maintain a mature grasp on a writing instrument.

At hearing, Kothe opined that despite Student not meeting the writing goal, her progress was substantial. Kothe explained that Student demonstrated the targeted writing skills, but did not constantly do so to meet the goal's 80 percent accuracy in four out of five trials. The progress Student made in writing was substantial despite not meeting the goal by November 14, 2022.

Furthermore, Student's ability to cut with scissors improved significantly. In November 2021, Student had difficulty holding scissors correctly. She could cut a portion of a paper with scissors, but would stop, and continue to cut the same area, and not completely cut across the entire piece of paper. She also did not consistently use her non-dominate hand to stabilize the paper.

By November 14, 2022, Student met her cutting goal, demonstrating the ability to correctly grasp a scissor, cut across a paper, and use her non-dominate hand to stabilize the paper. She could also cut an angled and curved line within 0.25 inches of the line.

Kothe supported the intensive classroom staff to improve Student's classroom arrival routine skills. In November 2021, Student could only complete 20 percent of the classroom arrival routine, which required Student hang her jacket, unzip and zip her backpack, and remove and place items in the designated locations when she arrived to class in the morning. By November 15, 2022, Student met her arrival routine goal, demonstrating the ability to complete 80 percent of the arrival routine without prompts.

To build on Student's progress, the November 15, 2022 IEP offered two goals to be supported by an occupational therapist. One goal aimed to improve Student's handwriting by requiring her to copy five words presented on the classroom board. Student had to write the words using upper case letters, writing the words within a set boundary. To meet the goal, Student had to accomplish the task with 80 percent accuracy for legibility and sizing, in four out of five trials. The second goal was designed to improve Student's cutting skills by requiring her to cut simple shapes such as squares, circles, and triangles.

At the November 15, 2022 IEP, Parents requested more than the 30 minutes a week of occupational therapy services Folsom-Cordova Unified offered. At hearing, Kothe persuasively opined 30 minutes a week of occupational therapy services was sufficient to enable Student to meet her occupational therapy goals. The evidence established 30 minutes a week enabled Student to make substantial progress towards her 2021 occupational therapy goals, and therefore, maintaining the same level of services was reasonably calculated to enable Student to also meet or make progress towards the November 15, 2022, occupational therapy goals.

Further, Kothe opined at hearing that additional occupational therapy services were not necessary because Student's occupational therapy goals were also addressed in the intensive autism class. The class offered Student opportunities to practice cutting paper with scissors and writing letters correctly and legibly. As a result, additional occupational therapy services were not necessary for Student to receive a FAPE.

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Student offered no testimony or documentary evidence to challenge Kothe's opinion or that proved 30 minutes a week of occupational therapy services was insufficient. Student failed to prove Folsom-Cordova Unified denied her a FAPE because the November 15, 2022 IEP failed to offer sufficient occupational therapy services.

Folsom-Cordova Unified prevailed on Issue 3b.

### ISSUES 3c, 3d, AND 3e: DID THE NOVEMBER 15, 2022 IEP FAIL TO OFFER BEHAVIOR INTERVENTION SERVICES, A ONE-TO-ONE AIDE, AND PARENT TRAINING IN BEHAVIOR OR SPEECH AND LANGUAGE?

Student contends her toileting, crying, repetitive motions, and responses to loud noises necessitated behavior intervention services in the November 15, 2022 IEP. Student also contends she required a one-to-one aide in school and during transportation on the school bus. In addition, Student contends training for Parents to help them respond to Student's crying and her difficulty expressing herself would have enabled Parents to better help her with her schooling. Folsom-Cordova Unified contends Student did not require behavior intervention services, a one-to-one aide, nor training for Parents in behavior and speech and language to receive a FAPE.

### ISSUE 3c: BEHAVIOR INTERVENTION SERVICES

If a child's behavior impedes the child's learning or that of others, the implementing regulations of the IDEA does not require the IEP team to use any particular method of positive behavioral interventions and supports, strategy, or technique to address the behavior. (71 Fed. Reg. 46683 (Aug. 14, 2006).) As discussed

in Issue 1, Student did not have behaviors that impeded her learning or the learning of others. Furthermore, Student's sensory-related behaviors, such as crying, and toileting accidents were adequately supported by occupational therapist Kothe, the intensive autism classroom's staff, and accommodations. Sensory strategies such as movement, weighted blankets, and headphones were successful in calming Student. The teacher and aides were also available to immediately respond to Student's needs, including her toileting accidents. None of the Folsom-Cordova Unified witnesses believed Student required behavior intervention services. Parents also did not explain why they believed Student required behavior intervention services in addition to the classroom supports Student already received. As a result, the evidence showed Student did not require behavior intervention services to receive a FAPE.

The evidence established Student did not require behavior intervention services to receive a FAPE. Student offered no testimony or documentary evidence to prove Student's crying, toileting needs, repetitive gestures/motions, and responses to loud noises warranted a behavior goal. Likewise, these behaviors did not warrant behavior intervention services. Student failed to Folsom-Cordova Unified denied her a FAPE because the November 15, 2022 IEP did not offer behavior intervention services.

Folsom-Cordova Unified prevailed on Issue 3c.

#### ISSUE 3d: ONE-TO-ONE AIDE

Student did not require a one-to-one aide to receive a FAPE. The November 15, 2022 IEP offered placement in an intensive autism class with a staff-to-student ratio of two students to one adult. The level of adult support in Student's program was sufficient to support her needs to enable her to access her education.



Student required frequent prompts in class, at recess and lunch, and during speech and occupational therapy services. Torres and the classroom aides were available throughout the day to prompt Student. Maloney and Kothe prompted Student during their therapy sessions. The aides assisted Student with routines, class work, and activities. The aides facilitated social interactions with peers during recess. The aides also accompanied Student into the general education class for mainstreaming opportunities.

Student claims she required a one-to-one aide on the school bus because she required the same level of support as in the classroom. This argument was not persuasive. The adult support she received in the intensive autism class was primarily to keep her focused and engaged in class. Student had no problems at school remaining in her assigned area or seat, and was not in danger of harming herself or others. In addition, Father testified Student had no problems remaining secured and seated, and had no behavioral problems, when driven by Parents to and from school. Student was pleasant and friendly, and easily redirected. Student failed to offer any evidence showing that she required one-to-one adult support on the school bus to keep her focused and safe. Student also failed to offer any testimony or documentary evidence that accommodations such as headphones, which Parents also provided Student, could not keep her calm on the bus, or help her tolerate the length of the school bus ride.

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Student offered no persuasive evidence that she required a one-to-one aide at school or on the school bus, and there was nothing else in Student's records that indicated she required that level of adult support to receive a FAPE. Student failed to prove Folsom-Cordova Unified denied her a FAPE in the November 15, 2022 IEP by failing to offer a one-to-one aide.

Folsom-Cordova Unified prevailed on Issue 3d.

### ISSUE 3e: PARENT TRAINING IN BEHAVIOR AND SPEECH AND LANGUAGE

Related services required to assist a student with exceptional needs to benefit from special education may include parent counseling and training. (Ed. Code, § 56363, subd. (b)(11).) Parent training means assisting a parent in 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. (34 C.F.R. § 300.34(c)(8)(i)-(iii).)

Student failed to prove Mother and Father required training in behavior and speech and language for Student to receive a FAPE. Parents did not request at the November 15, 2022 IEP team meeting, or at any period during the 2022-2023 school year, training in behavior or speech and language to help them understand Student's needs and development, or to help them facilitate the implementation of Student's IEP.

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Furthermore, Student did not present with problem behaviors that impeded her learning or the learning of others. Therefore, Parents did not require training in behavior because Student had no problem behaviors that Mother or Father required training on.

In addition, Student made meaningful progress in her speech and language goals from the 2021-2022 school year, through November 15, 2022, without training Parents on Student's speech and language needs. Parents offered no explanation at hearing about any aspect of Student's speech and language needs that they required training on to understand Student's speech and language needs, development, or to help them implement her IEP. Student failed to demonstrate parent training in behavior or speech and language was necessary to enable Student to benefit from special education.

Student failed to prove Folsom-Cordova Unified denied her a FAPE by failing to offer parent training in behavior and speech and language in the November 15, 2022 IEP.

Folsom-Cordova Unified prevailed on Issue 3e.

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### ISSUE 3f: DID THE NOVEMBER 15, 2022 IEP FAIL TO OFFER PLACEMENT WITH NEURO-TYPICALLY DEVELOPED PEERS TO THE MAXIMUM EXTENT POSSIBLE?

Student contends Folsom-Cordova Unified denied her a FAPE by failing to mainstream her to the maximum extent possible during recess, lunch, and for non-academic subjects. Folsom-Cordova Unified contends the November 15, 2022 IEP offered placement in the least restrictive environment, with appropriate mainstreaming opportunities.

School districts are required to provide each special education student with a program in the least restrictive environment, with removal from the regular education environment occurring only when the nature or severity of the student's disabilities is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (20 U.S.C. § 1412(a)(5)(A); 34 C.F.R. § 300.114(a)(2); Ed. Code, § 56040.1.) In California, a specific educational placement is defined as the unique combination of facilities, personnel, location or equipment necessary to provide instructional services to a special education student as specified in the student's IEP. (Cal. Code Regs. tit. 5, § 3042. subd. (a).)

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The United States Court of Appeals for the Ninth Circuit adopted a balancing test that required consideration of four factors to determine whether a placement is in the least restrictive environment. (*Sacramento City Unified School Dist. v. Rachel H.* (9th Cir. 1994) 14 F.3d 1398, 1404 (*Rachel H.*)) The four factors are:

1. the educational benefits of placement full-time in a regular class;
2. the non-academic benefits of interaction with children who were not disabled;
3. the effect the child will have on the teacher and children in the regular class; and
4. the costs of mainstreaming the student. (*Ibid.*)

If a school district determines that a child cannot be educated in a general education environment, then the least restrictive environment analysis requires determining whether the child has been mainstreamed to the maximum extent that is appropriate in light of the continuum of program options. (*Daniel R.R. v. State Board of Education* (5th Cir. 1989) 874 F.2d 1036, 1050.) The continuum of program options includes but is not limited to regular education; resource specialist programs; designated instruction and services; and special classes. (Ed. Code, § 56361.) However, a school district is not required to offer a program preferred by a student or parent. (*Gregory K., supra*, 811 F.2d at p. 1314.)

The November 15, 2022 IEP offered Student placement in the intensive autism class, with an estimated 17 percent of her day in the general education setting, and the remaining time in the intensive autism class and receiving related services. Student's educational placement with mainstreaming opportunities for 17 percent of her school day was appropriate and the least restrictive environment under the four factors of

*Rachel H.* As to the first *Rachel H.* factor, the evidence established placement full-time in the regular class would not have benefited Student. General education teacher Margaret Hanley taught a general education first grade class during the 2022-2023 school year. She testified to what the academic expectations for students in first grade were in the 2022-2023 school year.

Hanley explained that by November 2022, first grade students were expected to understand the relationship between numbers, also known as number sense, and be able to subtract numbers up to 10. First graders were also expected to independently use manipulatives to solve math problems.

Further, Hanley explained that first graders should be able to write a response to a topic question, using a topic sentence and two detailed sentences by the first half of first grade. They should also be able read simple words that start with a consonant, followed by a vowel, then a consonant, also known as CVC words, with the goal to read 60 words a minute by the end of first grade.

At the time of the November 15, 2022 IEP team meeting, Student's academic skills were significantly behind her general education peers. Student could identify numbers one to 30, but could not consistently recognize numbers greater than 14. She could count up to 10, and identify the correct number in a field of three numbers. However, she could not perform simple addition and subtraction, nor use manipulatives to problem solve. Student lacked foundational math skills to perform first grade level math.

Similarly, Student was far behind in writing and reading compared to other first graders. By November 2022, Student was still learning to write upper and lower case letters. She could not write simple words. She could state the sound of a letter when

presented with one letter at a time, and had just been introduced to sight words at the start of the 2022-2023 school year. However, she could not read simple words. Student lacked foundational reading and writing skills to benefit from the regular first grade class. According to Hanley, the general education first grade classroom was too advanced for Student and Student would be very frustrated trying to keep up with her classmates.

As to the second *Rachel H.* factor, Student could have received some non-academic, social benefit by interacting with nondisabled peers. However, the benefit would have been limited. As a result of her communication deficits, Student's interactions with nondisabled peers were limited to greetings, which required prompting and encouragement from staff for Student to initiate and respond to. She could not hold a conversation. Thus, the general education setting would have conferred little non-academic benefit to Student.

At hearing, Parents claimed the first grade curriculum could have been modified to Student's level, and with the support of a one-to-one aide, Student could participate in the regular classroom and receive the benefit of social interactions with nondisabled peers. The claim was not persuasive. Student's academic deficits were too significant, and any modification of the curriculum would have been to such a degree that she could not participate in whole class or small group lessons. In that scenario, Student would have spent her class time isolated with an aide, working on a curriculum specifically tailored to her abilities. Student would receive little to no academic or non-academic benefit in that situation. Therefore, placement full-time in the regular classroom would have conferred little to no academic and nonacademic benefits to Student under the first and second *Rachel H.* factors.

As to the third *Rachel H.* factor, Student required frequent prompts to stay on task and to focus on lessons. She also displayed sensory-related behaviors as discussed in Issue 1, that would distract a teacher and students from lessons. Those sensory-related behaviors were manageable in the smaller, more structured intensive autism class with four adults to support Student. Further, Hanley estimated at hearing the first grade class had about 26 students. Therefore, Student's behaviors would have been more challenging for a regular class teacher with 26 other students, even if Student had a one-to-one aide. Therefore, the evidence did not favor Student's placement in the regular classroom under the third *Rachel H.* factor. Neither party offered evidence as to the fourth *Rachel H.* factor relating to cost, nor was cost a factor in the ultimate outcome of this Decision. In sum, a preponderance of the evidence established the regular first grade classroom was not an appropriate placement for Student under the *Rachel H.* factors.

The evidence further established the November 15, 2022 IEP offered Student mainstreaming opportunities to the maximum extent possible. Student mainstreamed into the general education environment during recess, and had mainstreaming opportunities during lunch and lunch recess had Student remained in school after 11:30 a.m. Torres and the aides supported her socialization during recess by supervising and prompting interactions with general education peers.

In addition, Student mainstreamed into a general education classroom for 30 minutes a week. Student was accompanied by an aide during those mainstreaming opportunities. Student failed to offer any testimony or documentary evidence that Student required a less restrictive placement from the intensive autism class. Any



additional mainstreaming opportunities would have denied Student learning opportunities best delivered in the intensive autism classroom, especially considering her shortened school days.

In sum, the November 15, 2022 IEP offered Student an appropriate placement with maximum mainstreaming opportunities. The intensive autism class was appropriate to meet her academic and functional needs. The mainstreaming opportunities offered to Student were reasonably calculated to enable Student to make meaningful progress towards her IEP goals while allowing her opportunities to interact with nondisabled peers to the maximum extent appropriate in light of the continuum of program options. Accordingly, Student failed to prove Folsom-Cordova Unified denied her a FAPE by failing to offer placement with neuro-typically developing peers to the maximum extent possible in the November 15, 2022 IEP.

Folsom-Cordova Unified prevailed on Issue 3f.

#### ISSUES 4a, 4b, AND 4c: DID FOLSOM-CORDOVA UNIFIED PREDETERMINE THE NOVEMBER 15, 2022 IEP'S OFFER OF SPEECH AND LANGUAGE SERVICES, OCCUPATIONAL THERAPY SERVICES AND TRANSPORTATION?

Student contends Folsom-Cordova Unified ignored Parents' requests for increased speech and language, and occupational therapy services, and a shorter school bus route with a one-to-one aide to support Student on the bus. As a result, Student argues Folsom-Cordova Unified predetermined the November 15, 2022 IEP. Folsom-Cordova Unified contends it did not predetermine the services and transportation offered in the November 15, 2022 IEP.

Predetermination occurs when a school district has decided on its FAPE offer prior to the IEP team meeting, including when it presents one placement option at the meeting and is unwilling to consider other alternatives. (*Z.F. v. Ripon Unified School Dist.* (E.D.Cal., Jan. 9, 2013, No. 2:11-CV-02741-KJM-GGH) 2013 WL 127662, at \*6 (citing *Deal v. Hamilton County Board of Educ.* (6th Cir. 2004) 392 F.3d 840, 858).) The law requires the school district to engage in an open discussion of a student's educational program and show a willingness to discuss options proffered by parents. (*Anchorage School Dist. v. M.P.* (9th Cir. 2012) 689 F.3d 1047, 1054-1055.) A school district may not arrive at an IEP team meeting with a take it or leave it offer. (*JG v. Douglas County School Dist.* (9th Cir. 2008), 552 F.3d 786, 801, fn. 10.)

Predetermination causes a deprivation of educational benefits where, absent the predetermination, there is a strong likelihood that alternative educational possibilities for the student would have been better considered. (*M.S. v. Los Angeles Unified School Dist.* (C.D.Cal., September 12, 2016, No. 2:15-cv-05819-CAS-MRW) 2016 WL 4925910, at \*12. (citing *Doug C. v. Hawaii Depart. Of Education* (9th Cir. 2013) 720 F.3d 1038, 1047).) A student is not required to prove that his placement or services would have been different but for the predetermination. (*Ibid.*)

Further, predetermination is an automatic violation of a parent's right of participation under the IDEA. Where predetermination has occurred, regardless of the discussions that may occur at the meeting, the school district's actions would violate the IDEA's procedural requirement that parents have the opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the child. (*H.B. v. Las Virgenes*, 239 Fed.Appx. 342, 344, quoting 20 U.S.C. § 1415(b)(1).)

## ISSUES 4a AND 4b: SPEECH AND LANGUAGE SERVICES AND OCCUPATIONAL THERAPY SERVICES

Folsom-Cordova Unified did not predetermine the offer of speech and language and occupational therapy services in the November 15, 2022 IEP. At the November 15, 2022 IEP team meeting, Folsom-Cordova Unified's IEP team members considered Parents' request to increase the amount of speech and language therapy services, and occupational therapy services. Maloney and Kothe persuasively explained at hearing that Folsom-Cordova Unified's IEP team members considered the requests, but declined to increase those service minutes during the meeting because 30 minutes a week for each service enabled Student to make meaningful progress towards her IEP goals. Maloney and Kothe opined continuing the same level of speech and language and occupational therapy services was reasonably calculated to enable Student to make meaningful progress towards her new speech and language and occupational therapy goals.

Student failed to present any persuasive evidence that Folsom-Cordova Unified's IEP team members were closed to Parents' request for increased service minutes and were unwilling to discuss Parents' request. Folsom-Cordova Unified did not present a take or leave it offer of speech and language and occupational therapy services at the November 15, 2022 IEP team meeting. Folsom-Cordova Unified considered Parents' request for increased services and determined the increase unnecessary based on Student's progress with the offered level of service minutes. Therefore, Folsom-Cordova Unified did not predetermine the November 15, 2022 IEP's offer of speech and language and occupational therapy services.

Student failed to prove Folsom-Cordova Unified denied her a FAPE by predetermining the November 15, 2022 IEP's offer of speech and language services and occupational therapy services.

Folsom-Cordova Unified prevailed on Issues 4a and 4b.

#### ISSUE 4c: TRANSPORTATION

The November 15, 2022 IEP offered transportation to and from Student's home and her school. At the time of the November 15, 2022 IEP team meeting, Parents were driving Student to and from school.

Father testified that Parents raised a concern about Student's transportation at the November 15, 2022 IEP team meeting, seeking a shorter bus route with a one-to-one aide. However, at hearing, Mother did not corroborate Father's testimony that Parents raised transportation as a concern at the meeting. Further, special education teacher Torres testified that Parents did not raise a concern about transportation at the November 15, 2022 IEP team meeting.

Parents also reviewed the November 15, 2022 IEP meeting notes at hearing and testified it accurately reflected the concerns raised by Parents at the meeting. The IEP team meeting notes do not describe a concern by Parents regarding Student's transportation. As a result, more likely than not, Parents did not raise transportation as a concern at the meeting.

More importantly, even if Parents had requested a shorter bus route, or an aide on the bus at the meeting, Folsom-Cordova Unified's decision to deny such requests alone does not constitute predetermination. Student failed to offer any evidence to

demonstrate that Folsom-Cordova Unified's IEP team members were unwilling to discuss those options with Parents or that Folsom-Cordova Unified expected Parents to either accept or reject the November 15, 2022 IEP's offer of transportation without considering Parents' input or concerns.

A preponderance of the evidence established Parents did not raise a concern about Student's transportation to and from school or propose alternatives for Folsom-Cordova Unified and Parents to discuss. Further, Student failed to meet her burden of proving Folsom-Cordova Unified was unwilling to consider any transportation alternative raised by Parents.

Folsom-Cordova Unified did not predetermine the November 15, 2022 IEP's offer of transportation. Student failed to prove Folsom-Cordova Unified denied Student a FAPE by predetermining the November 15, 2022 IEP's offer of transportation.

Folsom-Cordova Unified prevailed on Issue 4c.

#### ISSUE 5: DID THE NOVEMBER 14, 2023 IEP FAIL TO OFFER AN ADEQUATE BEHAVIOR GOAL?

Student contends the November 14, 2023 IEP required a behavior goal to address her crying, and tendencies of touching her ears and hair. Student also contends she required a behavior goal because of her toileting accidents. Folsom-Cordova Unified contends Student did not have any maladaptive behaviors that required a behavior goal.

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Student was in second grade during the 2023-2024 school year and remained placed in an intensive autism classroom. Parents continued to pick her up from school at 11:30 a.m. for lunch, however, Student did not return to school after lunch during the 2023-2024 school year.

Special education teacher Katrina Thompson taught Student in the intensive autism class in second grade, however, her time in the classroom during the 2023-2024 school year was limited. Thompson began teaching the intensive autism class about three weeks into the 2023-2024 school year. Thompson taught Student's intensive autism class for 11 school days before she was reassigned to modified duties for approximately four to five weeks. A substitute teacher was hired to replace her in the intensive autism class. Though Thompson was not teaching Student's intensive autism class while on modified duties, she remained involved in Student's IEP as her case manager, tracking her progress towards IEP goals.

Thompson returned to teach the intensive autism class after four to five weeks, only to return to modified duties after 13 school days. She remained on modified duties until January 2024, when she returned to teach the intensive autism class. On March 1, 2024, Thompson took leave from her job and did not return to Folsom-Cordova Unified during the 2023-2024 school year.

Folsom-Cordova Unified held an IEP team meeting on November 14, 2023, to develop Student's annual IEP. Mother and Alta Regional Center case manager Arguello attended the meeting. Thompson, Kothe, and Maloney also attended the meeting, along with school principal Jason Dupree.

At the November 14, 2023 IEP team meeting, Mother and the rest of the IEP team described Student as friendly, kind and happy, with a pleasant disposition. None of Folsom-Cordova Unified's IEP team members reported any problems about Student's behavior at this meeting. The IEP team did not identify Student's behavior as an area of need. As result, the November 13, 2023 IEP did not offer a goal to address a behavior.

## CRYING AND SELF-STIMULATORY BEHAVIORS

Student's crying, self-stimulatory behaviors, and toileting accidents did not require behavior goal in November 2023. As discussed in this decision's discussion of Issue 1, above, Student's sensory-related behaviors, such as crying and her tendencies of touching her hair and ears, were not problem behaviors that necessitated a behavior goal in November 2022. This remained true in November 2023. Those behaviors did not impede Student's learning or the learning of her peers. Further, those behaviors were properly supported by teachers, aides, and related service providers, within the classroom, during recesses and lunch, and in therapy sessions. Accordingly, a behavior goal to address Student's crying and self-stimulatory behaviors were not necessary. (*Capistrano, supra*, 21 F.4th at p. 1133.)

## TOILETING ACCIDENTS

Student met her toileting goal at the November 14, 2023 IEP team meeting, and could verbally communicate her need to use the restroom. Further, on at least one occasion since the November 15, 2022 IEP team meeting, Student independently initiated a bathroom break.

However, Mother reported to the November 14, 2023 IEP team that Student's toileting accidents had increased since the start of the 2023-2024 school year. At the

meeting, Mother attributed the increased accidents to the absence of a consistent teacher in Student's class because of Thompson's late start and absences. Mother estimated Student had 10 accidents at school between August 8, 2023, and November 14, 2023.

However, Student's increased accidents did not establish that a bathroom goal was necessary. By November 14, 2023, she knew how to take bathroom breaks independently, or communicate her need to do so. The evidence did not establish how often Student was having accidents from the start of the 2023-2024 year, through the November 14, 2023 IEP team meeting, though testimony from Folsom-Cordova Unified's staff and Parents suggested it did not occur on a daily or weekly basis. Nevertheless, Folsom-Cordova Unified offered to increase the frequency of Student's bathroom breaks at the November 14, 2023 IEP team meeting. When she did have an accident, Student cleaned up, changed on her own, and went to back to class. Student failed to show that her toileting accidents were so frequent and disruptive that they impeded her learning or the learning of her peers. A preponderance of the evidence established Student did not require a behavior goal for toileting in the November 14, 2023 IEP to receive a FAPE because her educational program offered adequate supports and accommodations for her toileting needs. (*Capistrano, supra*, 21 F.4th at p. 1133; *R.F., supra*, 191 F.3d at p. 251; Fed. Regs., Appendix A, Part 300.)

At hearing, Folsom-Cordova Unified's personnel persuasively opined Student did not have behaviors at school that required a behavior goal in her IEP. Torres testified that Student did not have problem behaviors at school.

Maloney continued to provide Student weekly speech and language services during the 2023-2024 school year. Maloney also spent 40 minutes a day, four days a



week in Student's intensive autism class during the 2023-2024 school year. Maloney testified Student did not display any behaviors in speech therapy or in the classroom that impeded her learning or the learning of her peers.

Kothe continued to provide Student weekly individual occupational services during the 2023-2024 school year. Kothe was also in the intensive autism class at least once a week during the 2023-2024 school year. Kothe testified Student had no behaviors during occupational therapy sessions and in the classroom that interfered with her learning or the learning of her peers. Student offered no testimony or documentary evidence that Student had any problem behaviors in therapy sessions, in the classroom, or at any other time during school that required a behavior goal.

The evidence established Student did not require a behavior goal in the November 14, 2023 IEP to receive a FAPE. Accordingly, Student failed to prove Folsom-Cordova Unified denied her a FAPE by failing to offer a behavior goal in the November 14, 2023 IEP.

Folsom-Cordova Unified prevailed on Issue 5.

## ISSUE 6: DID THE NOVEMBER 14 2023 IEP OFFER INSUFFICIENT ACCOMMODATIONS?

Student contends the November 14, 2023 IEP offered accommodations that were insufficient. Folsom-Cordova Unified contends Student failed to meet her burden of proving the November 14, 2023 IEP's accommodations were insufficient.

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Student's accommodation needs remained consistent from the 2022-2023 school year through the 2023-2024 school year. She continued to require sensory supports, positive reinforcement, prompts, and instruction and directions given to her level of understanding and learning pace.

During the 2023-2024 school year, Student's intensive autism class offered the same embedded accommodations and supports available to Student from the 2022-2023 school year. In addition, the November 14, 2023 IEP's offer of program accommodations were consistent with the accommodations offered in the November 15, 2022 IEP, except the November 14, 2023 IEP no longer offered speech-language pathologist consultations with the classroom staff.

Student did not require the 20 minutes a month of speech-language pathologist consultations with the classroom staff to receive a FAPE as of the November 14, 2023 IEP. Maloney was in Student's classroom each day, averaging six hours a week. Maloney regularly consulted the classroom staff about Student's communication needs during that time. Therefore, an additional 20 minutes a month for Maloney to consult with Student's classroom staff was unnecessary as that consultation was already taking place as part of her classroom program.

As discussed in Issue 2, the accommodations offered during the 2022-2023 school year were sufficient to enable Student to access and benefit from her education. Therefore, the same program accommodations offered in the November 14, 2023

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IEP were reasonably calculated to afford Student the same access and benefit. Student offered no testimony or documentary evidence to demonstrate otherwise. Student failed to prove Folsom-Cordova Unified denied her a FAPE by offering insufficient accommodations in the November 14, 2023 IEP.

Folsom-Cordova Unified prevailed on Issue 6.

#### ISSUE 7a: DID THE NOVEMBER 14, 2023 IEP FAIL TO OFFER SUFFICIENT SPEECH AND LANGUAGE SERVICES?

Student contends the November 14, 2023 IEP failed to offer sufficient speech and language services. Folsom-Cordova Unified contends it did.

The November 14, 2023 IEP offered sufficient speech and language services. During the 2022-2023 school year, through November 14, 2023, Student received 30 minutes a week of speech and language services.

By November 14, 2023, Student met her November 15, 2022 IEP speech and language goals. During speech and language services, Student could correctly use “he” and “she” pronouns, and accurately produce present-tense progressive sentences. She could also accurately produce the /l/sound in words and phrases. She also spoke clearer during speech therapy sessions. Mother reported to the November 14, 2023 IEP team that Student was using more language in variety of ways to express herself. Mother also reported that Student spoke louder, and made more verbal demands.

The November 14, 2023 IEP offered two new speech and language goals. One goal aimed to increase her intelligibility in the classroom by teaching her to open her

mouth more when speaking. In response to Mother's request to help Student learn to express how Student felt, the IEP also offered a goal to help Student identify at least five different feelings.

The November 14, 2023 IEP offered 30 minutes a week of speech and language services, to be allocated 20 minutes in the speech room, and 10 minutes in the classroom. At the November 14, 2023 IEP team meeting, Maloney explained that Student was louder and more intelligible in speech therapy sessions, and expressed her wants and needs more in small group lessons. However, Student was not generalizing those skills in the classroom. In the classroom, Student did not open her mouth enough to speak clearly, and relied on verbal and visual prompts to express her wants and needs. Therefore, Maloney recommended the speech-language pathologist allocate 10 minutes a week to directly support Student in the classroom to help Student generalize the skills she was displaying in speech therapy sessions, while reducing the need for prompts.

Student argues she would have made more progress had the November 14, 2023 IEP offered more speech and language service minutes. This argument was not persuasive. 30 minutes a week of speech and languages services enabled Student to meet her 2022 speech and language goals. Furthermore, as discussed in this decision's discussion of Issue 3a, above, Student's intensive autism class offered daily lessons and practices throughout the day to meet her speech and language needs. Therefore, the evidence demonstrated 30 minutes a week of speech and language services was reasonably calculated to enable Student to meet her 2023 speech goals. Student failed to offer any testimony or documentary evidence to demonstrate otherwise.

Student failed to prove Folsom-Cordova Unified denied her a FAPE by failing to offer sufficient speech and language services in the November 14, 2023 IEP.

Folsom-Cordova prevailed on Issue 7a.

#### ISSUE 7b: DID THE NOVEMBER 14, 2023 IEP FAIL TO OFFER SUFFICIENT OCCUPATIONAL THERAPY SERVICES?

Student contends she required more occupational therapy services to meet her occupational therapy goals. Folsom-Cordova Unified contends the November 14, 2023 IEP offered sufficient occupational therapy services to enable Student to meet her goals.

The November 14, 2023 IEP offered sufficient occupational therapy services. During the 2022-2023 school year, through November 14, 2023, occupational therapist Kothe provided Student 30 minutes a week of occupational therapy services. Kothe opined at hearing that additional individual occupational therapy services was not necessary for Student to meet her goals. Student's progress supported her opinion.

By November 13, 2023, Student met one of her November 15, 2022 IEP occupational therapy goals, and made substantial progress towards the other. Student could use scissors to cut circles, triangles, and squares, staying within 0.25 inches from the line. She could also copy single letters. However, she still struggled to copy words. She demonstrated the ability to write lower and upper case letters, doing so correctly over multiple attempts, but then failed to correctly write the letter at times. Kothe explained to the November 14, 2023 IEP team that Student had little interest in writing, and her attention to any given task was limited. Kothe explained at hearing that Student's ability to consistently perform a writing task remained an area of need.

To build on Student's writing skills, the November 14, 2023 IEP offered a writing goal that required Student to accurately write five simple words. The IEP again offered 30 minutes a week of occupational therapy services.

The evidence established 30 minutes a week of occupational therapy services was sufficient to enable Student to meet her occupational therapy goal. Student made meaningful progress towards her prior occupational therapy goals with 30 minutes a week of occupational therapy services. Therefore, the November 14, 2023 IEP's offer to continue 30 minutes a week of occupational therapy services was reasonably calculated to enable Student to meet her new occupational therapy goal.

In addition, as discussed in this decision's discussion of Issue 3b, above, Student received daily supports throughout the school day in her intensive autism class to help her meet her occupational therapy needs. The class offered daily opportunities for Student to work on handwriting, with the staff trained to deliver writing lessons to her skill level. As a result, additional minutes of occupational therapy services beyond 30 minutes was not necessary to help Student meet her new occupational therapy goal.

Student failed to prove Folsom-Cordova Unified denied her a FAPE by failing to offer sufficient occupational therapy services in the November 14, 2023 IEP.

Folsom-Cordova Unified prevailed on Issue 7b.

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## ISSUES 7c, 7d, AND 7e: DID THE NOVEMBER 14, 2023 IEP FAIL TO OFFER BEHAVIOR INTERVENTION SERVICES, A ONE-TO-ONE AIDE, AND PARENT TRAINING IN BEHAVIOR AND SPEECH AND LANGUAGE?

Student contends the November 14, 2023 IEP required behavior intervention services to address her crying, toileting accidents, and repetitive touching of her hair and ears. Student also contends she required a one-to-one aide in school and on the school bus. In addition, Student contends training for Parents to help them respond to Student's crying and her difficulty expressing herself was necessary to help Parents support her. Folsom-Cordova Unified contends Student did not require behavior intervention services, a one-to-one aide, nor training for Parents in behavior and speech and language to receive a FAPE.

### ISSUE 7c: BEHAVIOR INTERVENTION SERVICES

The November 14, 2023 IEP did not offer, nor did the evidence establish Student required, behavior intervention services. As discussed in Issue 5, Student had no problem behaviors during the 2023-2024 school year. Student's sensory-related behaviors and toileting needs were properly supported by staff and classroom accommodations. Student did not require behavior intervention services to address her crying, toileting needs, touching of her hair and ears, or any other behavior.

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Student failed to offer any evidence to support her claim she required behavior intervention services. Accordingly, Student failed to prove Folsom-Cordova Unified denied Student a FAPE by failing to offer behavior intervention services in the November 14, 2023 IEP.

Folsom-Cordova Unified prevailed on Issue 7c.

#### ISSUE 7d: ONE-TO-ONE AIDE

Student did not require a one-to-one aide in the November 14, 2023 IEP to receive a FAPE. The November 14, 2023 IEP continued to offer placement in an intensive autism class with a student-to-adult ratio of two students to one adult. A one-to-one aide for Student was not necessary because the level of adult support in Student's program was sufficient to support her needs.

Student continued to require frequent prompts in class, at recess and lunch, and during speech and language, and occupational therapy services. Thompspon, the substitute teachers, and the classroom aides were available throughout the day to prompt Student. Maloney and Kothe prompted Student during their therapy sessions. The teacher and aides assisted Student with routines, class work, and activities, and also facilitated her social interactions with peers during recess.

Also, as discussed in Issue 3d, Student did not require a one-to-one aide on the school bus. Student offered no evidence of any changes to Student's needs from the 2022-2023 school year that necessitated an aide on the school bus.



The evidence established the level of adult support for Student at school was sufficient to meet her needs. Student failed to prove she required a one-to-one aide at school or on the school bus. Student failed to prove Folsom-Cordova Unified denied her a FAPE in the November 14, 2023 IEP by failing to offer a one-to-one aide.

Folsom-Cordova Unified prevailed on Issue 7d.

#### ISSUE 7e: PARENT TRAINING IN BEHAVIOR AND SPEECH AND LANGUAGE

Student did not require Parents to receive training in behavior or speech and language to receive a FAPE. Student had no problem behaviors at school that required Mother or Father to be trained about. Further, neither Mother nor Father requested parent training in behavior in Student's IEP at any point during the period at issue in this Decision. Student failed to offer any evidence as to why Mother or Father needed training in behavior for Student to access and benefit from her education.

In addition, Student made meaningful progress in her speech and language goals from the 2022-2023 school year through the November 14, 2023 IEP team meeting, despite her IEP not offering Parents training in speech and language. Neither Mother, nor Father, testified about any aspect of Student's speech and language needs that they required training on. Student offered no testimony or documentary evidence that parent training in speech and language was necessary to enable Student to benefit from special education. Therefore, Student failed to prove parent training in speech and language was necessary for her to receive a FAPE.

The evidence established the November 14, 2023 IEP did not require parent training in behavior and speech and language for Student to receive a FAPE. Student failed to prove Folsom-Cordova Unified denied her a FAPE by failing to offer parent training in behavior and speech and language in the November 14, 2023 IEP.

Folsom-Cordova Unified prevailed on Issue 7e.

#### ISSUE 7f: DID THE NOVEMBER 14, 2023 IEP FAIL TO OFFER PLACEMENT WITH NEURO-TYPICALLY DEVELOPING PEERS TO THE MAXIMUM EXTENT POSSIBLE?

Student contends the November 14, 2023 IEP failed to offer placement in the least restrictive environment. Student also argues Folsom-Cordova Unified failed to mainstream her into the regular classroom. Folsom-Cordova Unified contends Student failed to prove the November 14, 2023 placement offer was not appropriate or that Student required more mainstreaming opportunities.

The November 14, 2023 IEP offered Student placement in the least restrictive environment, with mainstreaming opportunities with neuro-typically developed peers to the maximum extent possible. The IEP offered Student continued placement in an intensive autism class, with 83 percent of Student's school day outside of the regular classroom, and 17 percent in the general education setting.

For the same reasons discussed in this decision's discussion of Issue 3f, above, the November 14, 2023 IEP offered Student placement in the least restrictive environment. At the time of the November 14, 2023 IEP team meeting, Student's academic skills continued to be significantly behind her general education peers. She could only name numbers up to 14 with 80 percent accuracy and could not differentiate between lower case and

uppercase letters. When reading, she required significant prompting to pronounce, blend, and segment syllables as she used her finger under a word to guide her. Her ability to write letters was inconsistent and she struggled to write simple words. The evidence established Student's academic deficits were too significant, and she would not benefit from placement in a full-time regular class under the first *Rachel H.* factor.

As to the second *Rachel H.* factor, Student's communication and social skills remained an area of significant need. Her interactions with nondisabled peers remained limited to simple greetings. She did not engage in conversations, and used simple sentences to express her wants and needs. Accordingly, placement in a regular classroom would have conferred little to no non-academic benefit to Student.

As to the third *Rachel H.* factor, Student continued to display sensory-related behaviors that would have interfered with lessons in the regular classroom. She also continued to require frequent prompts to stay on task, and to focus on lessons. Student's potential impact on the regular classroom did not support placement in the general education setting under the third factor. Neither party offered evidence as to the fourth *Rachel H.* factor relating to cost, nor was cost a factor in the ultimate outcome of this Decision. In sum, placement full-time in a regular second grade classroom was not appropriate for Student under the *Rachel H.* factors.

The evidence further established the November 14, 2023 IEP offered Student mainstreaming opportunities to the maximum extent possible. Student mainstreamed during recess, and was offered additional mainstreaming opportunities during lunch and lunch recess had Student remained in school after 11:30 a.m. In addition, the IEP's placement offer included continued mainstreaming opportunities of 30 minutes once a week into a general education classroom.

Student argues that the November 14, 2023 IEP did not offer mainstreaming opportunities into the general education classroom because Thompson did not recall at hearing those opportunities occurring while she was teaching Student's intensive autism class. This argument was not persuasive. Thompson only spent four out of 14 weeks from the start of the school year through the November 14, 2023 IEP team meeting teaching Student's class. Therefore, Thompson's testimony that Student received no general education classroom mainstreaming opportunities during the other 10 weeks of school was speculative and unreliable.

Furthermore, even if Student was not mainstreamed into the general education classroom as Thompson suspected, it did not mean the November 14, 2023 IEP did not include those mainstreaming opportunities in the offer of FAPE. Special education teacher Torres persuasively testified that the offer of 17 percent of Student's school day in the general education environment included mainstreaming opportunities into the regular classroom.

In sum, the November 14, 2023 IEP offered Student an appropriate placement in the least restrictive environment, with maximum mainstreaming opportunities. The intensive autism class was appropriate to meet her academic and functional needs. The class and the mainstreaming opportunities offered to Student were reasonably calculated to enable Student to make meaningful progress towards her IEP goals while allowing her opportunities to interact with nondisabled peers to the maximum extent appropriate in light of the continuum of program options. Student failed to

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prove Folsom-Cordova Unified denied her a FAPE by failing to offer placement with neuro-typically developing peers to the maximum extent possible in the November 14, 2023 IEP.

Folsom-Cordova Unified prevailed on Issue 7f.

ISSUES 8a AND 8b: DID FOLSOM-CORDOVA UNIFIED PREDETERMINE THE NOVEMBER 14, 2023 IEP BY NOT ACCOMMODATING STUDENT'S RELEASE FROM SCHOOL AT 11:30 A.M. AND ADDRESSING PARENTS' CONCERN REGARDING THE ABSENCES OF THE SPECIAL EDUCATION TEACHER?

Student contends Folsom-Cordova Unified predetermined the November 14, 2023 IEP by failing include an accommodation in the IEP for Student's early release at 11:30 a.m. and addressing Parents' concerns about special education teacher Thompson's absences from the intensive autism classroom. Folsom-Cordova Unified contends Student failed to prove Folsom-Cordova Unified predetermined any aspect of the November 14, 2023 IEP because of Student's early release or Parents' concerns about the teacher's absences.

#### ISSUE 8a: 11:30 A.M. RELEASE

As a formality, Parents obtained a medical note from Student's doctor dated September 2, 2023, recommending Parents be allowed to take Student home from school at 11:30 a.m. for feeding purposes. During the 2023-2024 school year, Folsom-Cordova Unified continued to accommodate the request. Parents picked Student up from school at 11:30 a.m. each day.

Student argues the November 14, 2023 IEP was predetermined because Folsom-Cordova Unified declined to include Student's 11:30 a.m. release as an IEP accommodation. This argument was not persuasive. Mother did not request to include an accommodation for Student's early release in the IEP at the November 14, 2023 IEP team meeting. Student also offered no evidence that Parents made such a request during the 2023-2024 school year.

Furthermore, Maloney provided Student 30 minutes a week of speech and language services in the morning to accommodate Student's early release from school during the 2023-2024 school year. Similarly, Kothe provided Student 30 minutes a week of occupational therapy services while Student was in school. Student continued to receive specialized academic instruction in the intensive autism class until she left school at 11:30 a.m. Student failed to offer any testimony describing how Folsom-Cordova Unified failed to accommodate Student's early release at 11:30 a.m., or what Folsom-Cordova Unified predetermined in the November 14, 2023 IEP because of Student's release at 11:30 a.m.

Further, Student failed to offer any testimony or documentary evidence that Folsom-Cordova Unified's IEP team members were unwilling to discuss an accommodation for Student's early release. The evidence was clear that Folsom-Cordova Unified was open to discussing Student's early release because Folsom-Cordova Unified was already accommodating her early release since the 2022-2023 school year.

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Folsom-Cordova Unified did not predetermine the November 14, 2023 IEP because it failed to accommodate Student's early release from school. Student failed to prove Folsom-Cordova Unified denied her a FAPE by predetermining the November 14, 2023 IEP by not accommodating Student's release from school at 11:30 a.m.

Folsom-Cordova Unified prevailed on Issue 8a.

## ISSUE 8b: SPECIAL EDUCATION TEACHER'S ABSENCES

Student failed to prove Folsom-Cordova Unified predetermined the November 14, 2023 IEP by failing to address Parents' concerns about the special education teacher's absences. As discussed in Issues 5 and 7f, special education teacher Thompson did not teach Student's intensive autism class in 10 out of the 14 weeks of school between the first day of instruction on August 8, 2023, through the November 14, 2023 IEP team meeting. Substitute special education teachers taught the intensive autism class prior to Thompson's start, and during her absences from the class.

Parents did not raise any of their concerns with Folsom-Cordova Unified about Thompson's absences from the intensive autism class prior to the November 14, 2023 IEP team meeting. At the meeting, Mother opined Thompson's absences may have contributed to Student's lack of progress towards IEP goals, and increased toileting accidents. Folsom-Cordova Unified's IEP team members discussed Student's progress on IEP goals with Mother, and considered her concerns about Student's progress. Folsom-Cordova Unified also offered to adjust Student's bathroom routine to increase how often she was taken to use the restroom.

Mother testified that Folsom-Cordova Unified did not provide Parents with the school to home communication logs as required in Student's IEP, which Mother

attributed to Thompson's absences from the class. However, the November 14, 2023 IEP continued to offer an accommodation for home to school communications. The evidence demonstrated Folsom-Cordova Unified's IEP team members considered Mother's concerns at the meeting, including concerns related to Thompson's absences from the class.

More importantly, Student failed to offer any testimony or documentary evidence to explain what aspect of the November 14, 2023 IEP Folsom-Cordova Unified predetermined as a result of Parents' concerns regarding Thompson's absences. Parents did not testify about what specific concerns they had about Thompson's absences that Folsom-Cordova Unified failed to address in the November 14, 2023 IEP. Student offered no evidence that the IEP's description of Student's present levels of performance was predetermined, or that the goals, accommodations, services, and placement offered in the IEP were predetermined because of Folsom-Cordova Unified's alleged failure to address Parents' concerns about the teacher's absences.

The evidence did not demonstrate Folsom-Cordova Unified predetermined any aspect of the November 14, 2023 IEP. Student failed to prove Folsom-Cordova Unified denied her a FAPE by predetermining the November 14, 2023 IEP because the IEP did not address Parents' concerns regarding the absences of the special education teacher during the school year.

Folsom-Cordova Unified prevailed on Issue 8b.

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## 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:

Folsom-Cordova Unified did not deny Student a FAPE by failing to offer an adequate behavior goal in the November 15, 2022 IEP.

Folsom-Cordova Unified prevailed on Issue 1.

### ISSUE 2:

Folsom-Cordova Unified did not deny Student a FAPE in the November 15, 2022 IEP by offering insufficient accommodations.

Folsom-Cordova Unified prevailed on Issue 2.

### ISSUES 3a, 3b, 3c, 3d, 3e, AND 3f:

Folsom-Cordova Unified did not deny Student a FAPE by failing to offer in the November 15, 2022 IEP sufficient speech and language services; sufficient occupational therapy services; behavior intervention services; a one-to-one aide; parent training in behavior, and speech and language; and placement with neuro-typically developing peers to the maximum extent possible.

Folsom-Cordova Unified prevailed on Issues 3a, 3b, 3c, 3d, 3e, and 3f.

#### ISSUES 4a, 4b, AND 4c:

Folsom-Cordova Unified did not deny Student a FAPE by predetermining the November 15, 2022 IEP's offer of speech and language services, occupational therapy services, and transportation.

Folsom-Cordova Unified prevailed on Issues 4a, 4b, and 4c.

#### ISSUE 5:

Folsom-Cordova Unified did not deny Student a FAPE by failing to offer an adequate behavior goal in the November 14, 2023 IEP.

Folsom-Cordova Unified prevailed on Issue 5.

#### ISSUE 6:

Folsom-Cordova Unified did not deny Student a FAPE in the November 14, 2023 IEP by offering insufficient accommodations.

Folsom-Cordova Unified prevailed on Issue 6.

#### ISSUES 7a, 7b, 7c, 7d, 7e, AND 7f:

Folsom-Cordova Unified did not deny Student a FAPE by failing to offer in the November 14, 2023 IEP sufficient speech and language services; sufficient occupational therapy services; behavior intervention services; a one-to-one aide; parent training in behavior, and speech and language; and placement with neuro-typically developing peers to the maximum extent possible.

Folsom-Cordova Unified prevailed on Issues 7a, 7b, 7c, 7d, 7e, and 7f.

## ISSUES 8a AND 8b:

Folsom-Cordova Unified did not deny Student a FAPE by predetermining the November 14, 202 IEP by not accommodating Student's release from school at 11:30 a.m. and addressing Parents' concern regarding the absences of the special education teacher during the school year.

Folsom-Cordova Unified prevailed on Issues 8a and 8b.

## 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.

Rommel P. Cruz

Administrative Law Judge

Office of Administrative Hearings