

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

GLENDALE UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

CASE NO. 2025100593

DECISION

April 8, 2026

On October 16, 2025, the Office of Administrative Hearings, called OAH, received a due process hearing request, called a complaint from Glendale Unified School District, naming Student. Glendale Unified School District is called Glendale. On October 27, 2025, OAH granted the parties' joint request to schedule mediation and continue the due process hearing. OAH granted additional continuance requests on January 9 and 26, 2026, and February 2, 2026. Administrative Law Judge Thanayi Lindsey heard this matter via videoconference on February 12, 17, and 18, 2026.

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Attorneys Tamra Kaufman and Josette Teja represented Glendale. William Gifford, Coordinator of Special Education, attended all hearing days on Glendale's behalf. Parent represented Student. Parent attended all hearing days on Student's behalf. Student did not attend the hearing.

At the parties' request, the matter was continued to March 9, 2026, for written closing briefs. The record was closed and the matter submitted on March 9, 2026.

## ISSUE

Was Glendale's psychoeducational assessment, as documented in the November 2024 multidisciplinary assessment report, legally compliant, such that Student is not entitled to an independent psychoeducational evaluation at public expense?

## 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 free appropriate public education, or 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. The party requesting the hearing has the burden of proof by a preponderance of the evidence. (20 U.S.C. § 1415(f)(3)(B); Ed. Code, § 56502, subd. (i); *Schaffer v. Weast* (2005) 546 U.S. 49, 57-58, 62 [126 S.Ct. 528, 163 L.Ed.2d 387]; and see 20 U.S.C. § 1415(i)(2)(C)(iii).)

Here, Glendale has the burden of proof. The factual statements in this Decision constitute the written findings of fact required by the IDEA and state law. (20 U.S.C. § 1415(h)(4); Ed. Code, § 56505, subd. (e)(5).)

On February 5, 2026, the parties filed a proposed joint stipulation to certain facts and this ALJ accepted the stipulated facts as written. The parties stipulated that Student was 14 years old, and resided within the Glendale's geographic boundaries at the time of hearing. Student had previously been determined eligible for special education under the categories of autism, other health impairment, and speech or language impairment.

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On November 21, 2024, Glendale provided Parent a draft copy of the multidisciplinary assessment report, a link to the individualized education program team meeting and another copy of the procedural safeguards. The parties held an individualized education team meeting on November 22, 2024, with the required team members present to review the multidisciplinary triennial assessment report. Parent did not consent to the November 22, 2024 individualized education program. On July 10, 2025, Parent received a prior written notice and Glendale's notice to exit Student from special education and related services effective July 21, 2025, along with a notice of procedural safeguards. On July 18, 2025, Parents sent a letter requesting an independent psychoeducational evaluation at public expense. On August 4, 2025, Glendale sent a second prior written notice denying Parent's request for an independent psychoeducational evaluation along with a copy of the Glendale's notice of procedural safeguards.

The evidence showed that Student was in seventh grade at the time of hearing.

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ISSUE: WAS GLENDALE'S PSYCHOEDUCATIONAL ASSESSMENT, AS DOCUMENTED IN THE NOVEMBER 2024 MULTIDISCIPLINARY ASSESSMENT REPORT, LEGALLY COMPLIANT, SUCH THAT STUDENT IS NOT ENTITLED TO AN INDEPENDENT PSYCHOEDUCATIONAL EVALUATION AT PUBLIC EXPENSE?

### APPROPRIATENESS OF ASSESSMENT PLAN AND PARENTAL CONSENT

Glendale contends the assessment plan was appropriate and Parents provided consent.

Student did not contest the validity of the assessment plan and their consent.

A reassessment generally requires parental consent. (20 U.S.C. § 1414(c)(3); 34 C.F.R. § 300.300(c) (2008); Ed. Code, §§ 56021.1; 56381, subd. (f)(1).) California law defines consent consistent with federal regulations. (34 C.F.R. §300.9; Cal Ed. Code, § 56021.1.) To obtain consent, a school district must develop and propose to parents an assessment plan and include a statement of parents' procedural rights under the IDEA. (20 U.S.C. § 1414(b)(1); 34 C.F.R. § 300.304(a) (2006); Ed. Code, § 56321, subd. (a).) The assessment plan must:

- Be in language easily understood by the general public.
- Be provided in the native language of the parent or guardian or other mode of communication used by the parent or guardian, unless to do so is clearly not feasible.

- Explain the types of assessments to be conducted, and
- State that no individualized education program will result from the assessment without the consent of the parent.

(Ed. Code, § 56321, subds. (b)(1)-(4).) The school district must give the parent at least 15 days to review, sign, and return the proposed assessment plan. (Ed. Code, § 56321, subd. (c)(4).)

Glendale provided Parent with an assessment plan for a reevaluation of Student on September 11, 2024. The assessment plan was provided to Parents in their native language of English and in a format easily understood by the general public. The assessment plan was accompanied by a notice of procedural safeguards. The assessment plan called for assessments in the following areas:

- academic achievement,
- health,
- intellectual development,
- language/speech communication development,
- motor development,
- social emotional/behavior functions,
- adaptive functioning, and
- adaptive behavior.

Student was previously determined eligible for special education and related services under the categories of Autism, Other Health Impairment or Attention Deficit Hyperactivity Disorder, and Speech and Language Impairment.

Rochelle Terman, Glendale's school psychologist, received a Bachelor of Arts degree in psychology in 2014 and received her masters of science in counseling degree in 2017. Terman was employed by Glendale for six years and overall was employed as school psychologist for eleven years. Her job duties included assessing students with autism and attention deficit hyperactivity disorder. Over her career, Terman completed over 400 psychoeducational assessments for students with autism and attention deficit hyperactivity disorder.

Terman appropriately reviewed Student's educational records which included the current eligibility categories, past assessment reports, current academic grades, and identified Parents' concerns for occupational therapy for his handwriting skills. Terman appropriately developed an assessment plan dated September 11, 2024, to assess Student for

- communication,
- social interaction,
- behaviors,
- attention,
- health,
- occupational therapy, and
- the adverse effects his disability had to his educational performance.

Each of these assessments reflected Student's areas of suspected disability. Therefore, the assessment plan included the appropriate areas of suspected disability.

Glendale gave Parents at least 15 days to review, sign, and return the proposed assessment plan, as required by statute. Parents signed consent to the assessment on September 15, 2024, and returned the completed assessment plan to Glendale on September 18, 2024. At hearing, Parent did not contend that the procedural safeguards were missing or that Glendale failed to provide a copy when it received the assessment plan. The evidence showed that Glendale did not intend to assess Student without Parent's consent and that an individualized education plan would result without Parent's consent.

Glendale established that the assessment plan dated September 11, 2024, met all legal requirements and Glendale received the proper parental consent to conduct the assessments.

#### GLENDALE FILED THE COMPLAINT WITHOUT UNNECESSARY DELAY AFTER DENYING PARENT'S REQUEST FOR AN INDEPENDENT EDUCATIONAL EVALUATION

Glendale contends it timely filed a request for due process hearing, called a complaint, without undue delay upon receiving Parent's July 18, 2025 request for an independent education evaluation. The parties engaged in good faith negotiations from July 18, 2025, through October 9, 2025. On October 16, 2025, Glendale filed a due process request upon reaching an impasse.

Student contends Glendale delayed filing the due process and that the good faith practices did not toll the mandatory duty to fund or file.

If a parent requests an independent educational evaluation at public expense, the educational agency must, without unnecessary delay, either: (1) file a due process hearing request to demonstrate that its assessment is appropriate; or (2) ensure that an independent educational evaluation is provided at public expense. (34 C.F.R., § 300.502(b)(2); see also Ed. Code, § 56329, subd. (b) & (c).)

The regulations do not specify what constitutes an “unnecessary delay.” Rather, what constitutes an “unnecessary delay” is a “fact-specific inquiry” that focuses on the circumstances surrounding the delay. (*L.C. by & through Cruz v. Alta Loma Sch. Dist.*, (9th Cir. 2021) 849 F. Appx 678, 679 (Mem) (*L.C.*) [citing *C.W. v. Capistrano Unif. Sch. Dist.*, (9th Cir. 2015) 784 F.3d 1237, 1247 and *J.P. v. Ripon Unif. Sch. Dist.* (E.D. Cal. April 15, 2009) 2:07-CV-02084-MCE-DAD, 2009 WL 1034993 at \*7].)

In *L.C.*, the Ninth Circuit found that “[w]hen parties continued to discuss provision of an IEE, there was no unnecessary delay in the school district waiting to file for a due process hearing until the parties reached a final impasse.” (*L.C.*, *supra*, 849 Fed.Appx. at p. 679.) However, when a school district's delay is “unexplained,” that weighs in favor of finding unnecessary delay. (*Id.* at 680 [citing *Pajaro Valley Unif. Sch. Dist. v. J.S.* (N.D. Cal. Dec. 15, 2006) No. C 06-0380 PVT, 2006 WL 3734289, at p. \*3].) The Ninth Circuit also found that a school break that occurs during a request for an independent educational evaluation “must also be considered in determining the timeliness of the [school district’s] due process request.” (*Ibid.*, [citing *Ripon Unif. Sch. Dist.*, *supra*, 2009 WL 1034993 at p. \*7].)

From September 2024 through November 2024, Glendale assessed Student and held an IEP team meeting on November 22, 2024. At the November 2024 IEP team meeting, Glendale’s IEP team members found Student ineligible for special education

and related services and planned to exit him from special education for the 2025-2026 school year. On July 10, 2025, Glendale sent Parents a prior written notice stating their position that Student should be exited from special education and related services.

On July 18, 2025, Parent requested an independent psychoeducational evaluation at public expense, because they disagreed with Glendale's failure to further assess Student to resolve the differences in the Parent's rating scale and teachers' rating scale. From August 4, through 22, 2025, Glendale and Parents exchanged written correspondence about Parent requesting Glendale's protocols, assessment policies, resumes of each assessor as well as their experience working with twice exceptional students. Glendale continued to work with Parent in providing the requested educational records and ancillary information. From August 25 through 28, 2025, Parent continued to inquire about obtaining additional information regarding the psychoeducational assessment. Glendale continued to respond to Parent's request for educational records and ancillary information.

On September 5, 2025, Parents on Student's behalf filed a Request for Mediation Only ("Request") with OAH, in OAH case number 2025090166, naming Glendale. In the other OAH case matter, Student challenged the appropriateness of the multi-disciplinary assessment report, in particular, the psychoeducational evaluation. Also on September 5, 2025, Glendale sent Parent a prior written notice that outlined the parties' efforts to resolve the independent psychoeducational evaluation at public expense, a denial of Parents' request, and Glendale's request for Parents to withdraw their request by September 26, 2025.

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On September 19 and October 3, 2025, Parents and Glendale participated in two OAH scheduled mediation with two ALJs to resolve among other issues, the appropriateness of the November 2024 psychoeducational assessment. However, the parties reached an impasse and were unable to resolve their issues for the psychoeducational assessment.

On October 9, 2025, Glendale sent a final email defending its November 2024 psychoeducational evaluation and for Parents to withdraw their request for an independent psychoeducational assessment at public expense forthwith or Glendale will file a complaint by the following week. Parents did not withdraw their request. On October 9, 2025, the parties reached a final impasse. On October 16, 2025, Glendale timely filed a complaint to defend the November 2024 psychoeducational assessment.

Although approximately 89 days lapsed between the time of Parent's request and the filing of the complaint, under these circumstances, the delay was reasonable. During this period of time, the parties engaged in good faith efforts to resolve their disputes about the appropriateness of the psychoeducational evaluation, including the educational records requests. The educational records requests were made contemporaneous with the Student filed case for mediation only and communications were between Glendale's agents and Parent. Also, the parties were seeking to resolve their dispute by reviewing the educational records. The convincing evidence established that the parties were engaged in good faith attempts to settle the dispute from July 19, 2025, to October 9, 2025. Glendale preparation time of one -week to prepare its complaint was reasonable. Therefore, Glendale filed its complaint on October 16, 2025, forthwith without undue delay.

## GLENDALE TIMELY CONDUCTED THE PSYCHOEDUCATIONAL ASSESSMENT

Glendale contends it timely conducted the psychoeducational assessment and held an IEP team meeting to review the assessment within the statutory timelines.

Student did not make any contentions about Glendale conducting the psychoeducational assessment in an untimely manner.

Generally, an IEP required as a result of an assessment shall be developed within a total time not to exceed 60 days, not counting days between the student's regular school sessions, terms, or days of school vacation in excess of five schooldays, from the date of receipt of the parent's written consent for assessment, unless the parent agrees, in writing, to an extension. (Ed. Code, §§ 56043, subd, (c), 56302.1, subd. (a), and 56344, subd. (a).)

Here, Glendale received Parents' consent to the assessment plan on September 18, 2024. Glendale assessed Student on October 8, 9, and 16, 2024. Glendale offered to hold the individualized education program team meeting as early as October 23, 2024, to review the triennial assessment. However, at Parent's request, the IEP team meeting convened after the 60-day timeline to accommodate Parent's scheduling conflicts. Parents agreed via email to hold the meeting after the 60-day timeline. On November 21, 2024, Glendale provided a copy of the psychoeducational assessment to Parent, along with a

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link to the IEP team meeting and another copy of the notice of procedural rights and safeguards. As a result, Glendale convened an IEP team meeting on November 22, 2024, and reviewed the psychoeducational assessment.

Accordingly, Glendale conducted a timely IEP team meeting based on Parent's written agreement to extend the 60-day timeline.

**GLENDALE SCHOOL PSYCHOLOGIST, ROCHELLE TERMAN, WAS  
QUALIFIED TO ADMINISTER THE NOVEMBER 22, 2024  
PSYCHOEDUCATIONAL ASSESSMENT**

Glendale contends Rochelle Terman was qualified to administer the November 22, 2024 psychoeducational assessment.

Student presented no argument or evidence on Terman's qualifications, at hearing.

Assessments must be conducted by persons competent to perform them, as determined by the local educational agency. (20 U.S.C. § 1414(b)(3)(A)(iv); 34 C.F.R. § 300.304(c)(1)(iv); Ed. Code, § 56322.) Any psychological assessments of pupils shall be made in accordance with Education Code section 56320 and shall be conducted by a credentialed school psychologist who is trained and prepared to assess cultural and ethnic factors appropriate to the pupil being assessed. (Ed. Code, §§ 56322, 56324, subd. (a).)

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Tests and other assessment materials meet all of the following requirements if they are administered by trained and knowledgeable personnel and are administered in accordance with any instructions provided by the producer of the assessments, except that individually administered tests of intellectual or emotional functioning shall be administered by a credentialed school psychologist. (Ed. Code, § 56320, subd. (b)(3).)

Rochelle Terman received a Bachelor of Arts degree in psychology in 2014 and received her masters of science in counseling degree in 2017. Terman received her clear pupil personnel services credential on June 1, 2022 from the Commission on Teacher Credentialing. This credential authorizes Terman to conduct psychoeducational assessments for the purpose of identifying special needs for children from Kindergarten through 12th grade, including preschool and adult students.

Terman was employed by Glendale for six years and overall was employed as school psychologist for 11 years. Her job duties included assessments for students with autism and attention deficit hyperactivity disorder. Over her career, Terman completed over 400 psychoeducational assessments for students with autism and attention deficit hyperactivity disorder. Terman's testimony was credible and accorded significant weight because of her education, training, experience, and ability to recall detailed facts about her assessment report. Terman was confident about the overall validity of the assessment report, including her consideration in selecting the assessment instruments, and the accuracy of the findings. For the aforementioned reasons, Terman was qualified to administer the assessments that she conducted in the areas of autism, other health impairment, adaptive behavior, behavior assessment, Student's self-rating assessments, and social-emotional.

GLENDALE'S EDUCATION SPECIALIST, TIMOTHY MINNIG, WAS  
QUALIFIED TO ADMINISTER THE WOODCOCK JOHNSON IV  
ACADEMIC ACHIEVEMENT PORTION OF THE NOVEMBER 22, 2024  
PSYCHOEDUCATIONAL ASSESSMENT

Glendale contends Minnig was qualified to administer the academic assessment portions of the November 22, 2024 psychoeducational assessment.

Student did not dispute the qualifications of Minnig.

Timothy Minnig, an educational specialist, graduated from California State University, Los Angeles in 2017 with a Bachelor of Arts degree in social science. In April 2022, he received a clear credential single subject in social sciences and multiple subjects teaching credentials. In August 2025, Minnig received a clear educational specialist instruction credential. This type of credential permitted Minnig to conduct assessments, provide instruction, and provide special education and related services to individuals with a primary disability of autism across the continuum of special education programs. He held credentials for single subject teaching in science, multiple subject teaching, and a mild to moderate education specialist credential.

Minnig was a teacher for 19 years by the time of the hearing. He worked for 13 years as a general education middle school teacher at other districts before working six years with Glendale in special education. Minnig worked at Wilson Middle School since 2021 as a specialized academic instructor. His job duties included conducting academic assessments, creating daily lessons in math, and writing and implementing IEPs.

Minnig conducted academic testing of approximately 40 students, including those with autism and attention deficit hyperactivity disorder. Minnig was familiar with Student as his case manager. Minnig observed Student throughout the sixth and seventh grades as part of his normal course of duties. At hearing, Minnig's testimony was given substantial weight. He testified in a forthright manner and had a strong ability to remember details regarding Student's abilities and the assessment he conducted of Student. Minnig testified confidently without hesitation to each question asked on direct and cross examination.

Minnig conducted the academic portion of the psychoeducational assessment and authored that portion of the report. Based on his education, credentials, and work history, Minnig was qualified to administer the Woodcock Johnson IV academic assessment for the November 2024 psychoeducational assessment.

## GLENDALE USED COMPREHENSIVE ASSESSMENT TOOLS IN THE NOVEMBER 2024 PSYCHOEDUCATIONAL ASSESSMENT

Glendale contends it used comprehensive assessment tools in conducting the November 2024 psychoeducational assessment.

Student did not dispute the fact that Glendale used comprehensive assessment tools. Student contends that Glendale should have administered additional tests in light of the data from the psychoeducational assessment.

If the statutory requirements for assessments are satisfied, school districts have significant latitude when conducting assessments. (See e.g. *M.T.V. v. DeKalb County School Dist.* (11th Cir. 2007) 446 F.3d 1153, 1160 [abrogated on other grounds].) The

selection of particular testing or evaluation instruments is left to the discretion of state and local educational authorities. (*Letter to Anonymous* (OSEP Sept. 17, 1993) 20 IDELR 542; *M. W. v. Poway Unified School District* (S.D. Cal. Aug. 14, 2013) 2013 WL 4401673.)

The determination of what tests are required is made based on information known at the time. (See *Vasherese v. Laguna Salada Union School Dist.* (N.D. Cal. 2001) 211 F.Supp.2d 1150, 1157-1158 [assessment adequate despite not including speech and language testing where the concern prompting the assessment was reading skills deficits].)

Testing or assessment materials must:

- not be racially, culturally, or sexually discriminatory.
- be provided in the pupil's native language or mode of communication, unless it is clearly not feasible to do so. ( Ed. Code, Section 56320, subd.(a).)

The assessment must be sufficiently comprehensive to identify all of the student's special education and related service needs, whether or not commonly linked to the disability category in which the child is classified. (20 U.S.C. § 1414(b)(3); 34 C.F.R. § 300.304(c)(6); Ed. Code, § 56320, subd. (c).) A school district must ensure that a child is assessed in all areas related to a suspected disability. (20 U.S.C. § 1414(b)(3)(B); Ed. Code § 56320, subd. (f).)

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Here, Glendale used a variety of testing instruments to determine whether Student remained eligible for special education and related services under the eligibility categories of autism and other health impairment, related to his attention deficit hyperactivity disorder. Terman and Minnig appropriately exercised their professional discretion when selecting the following assessment tools:

- Cognitive Assessment System-Second Edition,
- Kaufman Brief Intelligence Test, Second Edition,
- Conners 4-Teacher Reports,
- Conners 4-Parent Report,
- Autism Spectrum Rating Scale-Parent Report,
- Autism Spectrum Rating Scale-Teacher Reports,
- Vineland Adaptive Behavior Scales 3-Parent Report,
- Vineland Adaptive Behavior Scales-3-Teacher Reports,
- Behavior Assessment System for Children Third Edition-Self Report,
- Three Wishes-Self Report,
- Review of school cumulative records,
- Consultation with teachers,
- Review of Parents' private or outside agency evaluations,
- Woodcock Johnson -IV, and
- Observations.

Each of the testing tools was free from cultural, racial, and sexual bias and discrimination. Student produced no contrary evidence about Terman and Minnig's discretion in selecting each testing tool and whether the tools were discriminatory in nature. Student's home language was English and Terman and Minnig administered each test in Student's native language.

Each test gathered relevant

- academic,
- adaptive behavior,
- attention,
- developmental,
- executive functioning,
- intellectual, and
- social emotional and behavioral functioning information,  
including information provided by Parents and Student.

Terman and Minnig appropriately used their professional judgment when selecting their testing tools because of their familiarity of Student's progress, Parents' concerns, and Student's perception of himself. Terman and Minnig gave convincing testimony about the manner in which they conducted their respective assessments. Each recalled implementing the testing instruments and gave complete and accurate testimony about the testing procedures, observations, and findings, consistent with other evidence, including the assessment report. Their testimony was unabated by evidence from Student.

Glendale's testing demonstrated that, overall, Student's disability did not have an adverse effect on his educational performance. Student overall rating on the Cognitive Assessment System 2 was high average rating score, with the exception of the planning index score. Student's planning index score was in the below average range. Terman explained with certainty and confidently the reasoning for the low rating was because Student took additional time to complete the response which resulted in incomplete responses. The incomplete responses could not be counted. This explanation was based on Terman's detailed observations of Student during the testing process. Terman recalled the manner in which Student completed his answers. Student coded each response with the letter "x" first without marking the second half of the assessment questions. Therefore, the incomplete responses contributed to the below average score. As for his intelligence tasks, Student rated in the upper extreme category for the IQ composite test from Kaufman Brief Intelligence Test 2nd edition.

Next, Terman administered the social emotional functioning through interviews with Parent, Student, and six teachers, as well as the administration of standardized measures. Parent shared concerns of poor penmanship and being distracted if not educationally challenged. The six teachers were Student's Advanced Math, Advanced English, Advanced World History, Tech Theater, Coding and Robotics, and Physical Education. Each reported positively about Student's social and emotional performance in their classes. Student reported middle school was going well and that he is performing as expected.

Parent reported Student as being highly intelligent and not having any behavioral challenges impeding his educational performance. Parent voiced concerns about Student's poor penmanship.

The Conners-4th edition assessed Student's attention and for attention deficit hyperactivity disorder issues. Based on Student's overall score, Student had a low incidence of attention deficit hyperactivity disorder behaviors in the educational environment.

As for the Autism Spectrum Rating Scale, Terman testified confidently that she conducted each testing tool in a manner that yielded accurate information. Each of Student's subtests contributed to the overall rating score of average rating, or typical level of concerns. In contrast, Parent's rating score was very elevated which represented many more concerns than typical in the home environment. Terman's responses were unwavering about how each test was administered. Overall, Student's two teachers rated him in the average range. Parent, on the other hand, rated Student in the very elevated range.

The Vineland Adaptive Behavior Scales-3 measured Student's day to day activities and social skills. Terman obtained Vineland rating scales from Parents and world history and advanced English teachers to measure Student's personal and social skills. Parent rated Student in the moderately low for communication and the low range for daily living skills and socialization. In contrast, each of his teachers rated Student's daily living skills and socialization in the adequate range in all categories. As for the adaptive behavior composite, Parent rated Student as elevated. In contrast, the advanced English teacher rated him as average; but the world history teacher rated him elevated in externalizing and average for internalizing. She persuasively explained that she placed more value on scores Student obtained at school than on how Student functioned at home. Based on teacher input, interviews, and observations, Student functioned appropriately behaviorally at school.

The BASC-3 is a self-report of personality and is an inventory to examine a student's perception of self. Student was required to answer true or false questions to a variety of questions and respond to descriptors of behaviors on a four point scale of frequently, ranging from "never to almost to always". The questions assessed Student in the areas of

- attitude to school and teachers,
- school problems,
- internalizing problems,
- inattention,
- emotional symptoms index, and
- personal adjustment.

Student rated average in all areas assessed. Terman appropriately concluded that Student did not have any significant concerns regarding his perception of himself.

Minnig administered the Woodcock Johnson-IV, a test that measures academic achievement. Terman appropriately assessed Student per the publisher's instructions. Minnig explained in a convincing manner that he engaged in additional observations outside of the testing protocols at his discretion because there was a need to reconcile the differences based on past assessments of Parents and teachers rating scales. Overall, Student's standard score for academic skills was in the very superior rating category. Minnig gave credible testimony about the testing consistencies and results. He appropriately used his discretion to rely on his classroom observations of Student to reconcile the differences between Parents and teachers with classroom and testing observations.

Terman observed Student on October 2, 2024, in his math classroom for 30 minutes and October 11, 2024, for 10 minutes during an unstructured snack break. Terman observed Student's social interactions and how he behaved during free time to chat, eat, and be sociable. Also, Terman observed Student over three testing sessions.

On November 5, 2024, Minnig observed Student in his robotics class for 20 minutes and for 20 minutes in his advanced English language arts class on November 12, 2024. Additionally, Terman reviewed

- student's school records,
- report cards for academic performance,
- school discipline,
- attendance records,
- past IEPs and IEP team meeting notes, as well as
- Parent's private/outside agency evaluation.

Glendale used a variety of testing instruments to capture educational data in the school environment about Student's

- academic,
- intellectual,
- social emotional,
- behavioral, and
- executive functioning skills.

This data included a review of Parent's independent evaluation reports. Parent's and teachers' rating scales differed significantly and was appropriately reconciled with classroom observations and student and teacher interviews.

Each testing material was administered in a non-discriminatory manner and was administered in Student's native language of English. Also, the educational data appropriately supported the conclusion reached in the report about Student's academic performance and eligibility for special education and related services. Therefore, Parent's argument did not overcome Glendale's discretion in selecting particular testing or evaluation instruments.

Glendale's assessments were sufficiently comprehensive to identify all of the student's special education and related service needs based on information known at the time of assessing.

Therefore, Glendale met its burden of proving that the psychoeducational report was comprehensive and appropriate.

#### GLENDALE'S PSYCHOEDUCATIONAL ASSESSMENT REPORT WAS APPROPRIATELY WRITTEN AND A COPY WAS GIVEN TO PARENT

Glendale contends its psychoeducational assessment report was appropriately written and gave a copy to Parent.

Student contends the psychoeducational report was not properly written because of Glendale's failure to explore whether Student needed further assessments.

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Persons who conduct assessments shall prepare a written report, as appropriate, of the results of each assessment. The report shall include, but not be limited to:

- whether the student may need special education and related services;
- the basis for making that determination;
- the relevant behavior noted during observation of the student in an appropriate setting;
- the relationship of that behavior to the student's academic and social functioning;
- the educationally relevant health, development, and medical findings, if any;
- if appropriate, a determination of the effects of environmental, cultural, or economic disadvantage; and
- additional requirements for student's with learning disability or low incidence disabilities. (Ed. Code, § 56327.)

The parties stipulated Parent received a copy of the report on November 21, 2024, and this ALJ accepted this fact as true. At hearing, Parent challenged Glendale's decision not to discuss the need for additional testing protocols that made the psychoeducational report inappropriate for failing to perform additional assessments to explore:

- the teacher's high ratings in five subcategories of
  - behavioral rigidity,
  - unusual behaviors,

- social communication,
- peer socialization, and
- social emotional reciprocity for the ASRS assessment;
- the differences between the Parent and Teachers' rating scales for social emotional and Conners 4th edition assessments,
- the rating of below average for planned codes and connections of the CAS-2 assessment, and
- Parent's rating of low and moderately low and teachers ratings of adequate for the Vineland Adaptive Behavior Scales-Vineland 3.

The undisputed evidence was Parent was not concerned about reviewing each of the rating scales after Glendale made the offer to do so during the November 2024 IEP team meeting. Parent's argument against the appropriateness of Glendale's psychoeducational assessment report was not compelling enough to rebut Glendale's burden of proof.

Although there were differences between the teachers' and Parent's rating scales the differences did not render the report inappropriate. Terman's and Minnig's reliance on credible school observations. in the structured and unstructured settings was given more weight. Terman and Minnig testified credibly and confidently that the observations supported the present level of performance concerning Student's academic achievement, social-emotional functioning, and behavioral functioning and how the behavior related to Student's academic and social functioning in the educational setting.

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Terman and Minnig interviewed Student, Parents and teachers. Terman and Minnig conducted standardized assessments and administered rating scales. In short, they administered a variety of tools and strategies to conduct a sufficiently comprehensive assessment designed to identify all of Student's special education and related service needs, related to the psychoeducational assessment. The educational data supported the determination that Student's disabilities no longer had a negative impact on his educational performance. Student was maintaining positive social interactions with his peers and teachers, as observed by teachers, staff, and each examiner.

Autism is defined as a developmental disability significantly affecting verbal and nonverbal communication and social interaction, that adversely affects a child's educational performance. Other characteristics often associated with autism are engaging in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Other health impairment is defined as having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and adversely affects a child's educational performance.

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Terman and Minnig appropriately concluded that Student did not have deficits in his adaptive behaviors; social interactions or engaged in repetitive activities and stereotyped movements or resistance to environmental change or change in daily routines that adversely affected his educational performance that were being exhibited in the educational setting. Student did not have any deficits to his academic performance. Student's attention deficit hyperactivity disorder did not have an adverse effect on Student's educational performance. The psychoeducational report included a detailed and robust review of Student's behavior, academic and social functioning.

Glendale appropriately found Student had no negative impact on his academic and social functioning. Moreover, the current educational data did not support a finding of Student having limited strength, vitality, or alertness due to attention deficit hyperactivity disorder. As such, more weight was given to Terman's and Minnig's testimony about the implementation, the findings, and recommendations for eligibility under the autism and other health impairment categories. The report gave Parents detailed insight into Student's overall educational performance.

Therefore, Glendale met its burden that the report was written appropriately and Parent received a copy.

## 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:

The psychoeducational portion of the November 22, 2024 multidisciplinary report was legally complaint and the Glendale's complaint was timely filed without unnecessary delay; such that Student was not entitled to an independent educational evaluation at public expense.

Glendale prevailed on the sole issue in this matter.

## ORDER

1. The November 22, 2024 psychoeducational assessment met all legal requirements.
2. Student is not entitled to a psychoeducational independent educational evaluation at public expense.

## RIGHT TO APPEAL THIS DECISION

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

Thanayi Lindsey  
Administrative Law Judge  
Office of Administrative Hearings