

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

BELLFLOWER UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

CASE NO. 2026010948

DECISION

MAY 7, 2026

On January 28, 2026, the Office of Administrative Hearings, called OAH, received a due process hearing request from Bellflower Unified School District, naming Student. On February 13, 2026, OAH continued this matter for good cause. Administrative Law Judge Jessica Plitt, called ALJ, heard this matter by videoconference on March 17, 18, and 19, 2026.

Attorneys Dee Anna Hassanpour and Emily Goldberg represented Bellflower Unified School District, called Bellflower. Bellflower Special Education Director Matthew Adair attended all hearing days on Bellflower's behalf. Mother represented Student and attended all days of hearing on Student's behalf.

At the parties' request, the ALJ continued this matter to 3:00 PM, April 13, 2026, for written closing briefs. Bellflower timely submitted its closing brief. Mother submitted Student's closing brief at 4:51 PM on April 13, 2026, approximately two hours late but before OAH's close of business at 5:00 PM.

On April 16, 2026, Bellflower filed a motion to strike Student's closing brief because Bellflower did not receive a copy of it until April 16, 2026. Bellflower argued that Student's brief was untimely, conferred an unfair advantage, and was not served until three days after filing. On April 17, 2026, Mother opposed Bellflower's motion to strike.

Bellflower's arguments are unpersuasive. While Student filed the brief after the deadline, Bellflower failed to demonstrate any resulting prejudice from the approximately two-hour delay. In this case, the minor deviation from filing deadlines, absent a showing of harm, does not warrant the drastic remedy of striking Student's submission. Additionally, although Bellflower did not receive service of the brief until three days after it was filed, the delay likewise did not result in prejudice because the closing briefs were simultaneously due without reply briefs. Thus, Bellflower was not deprived of any opportunity to respond. Accordingly, Bellflower's motion to strike is denied. Thus, the record was closed, and the matter was submitted on April 13, 2026.

ISSUE

Was Bellflower's November 20, 2025, psychoeducational evaluation 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, its regulations, and California statutes and regulations. (20 U.S.C. § 1400 et. seq.; 34 C.F.R. § 300.1 (2006) et seq.; Ed. Code, § 56000 et seq.; Cal. Code Regs., tit. 5, § 3000 et seq.) The main purposes of the Individuals with Disabilities Education Act, referred to as the IDEA, are to ensure:

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

The IDEA affords parents and local educational agencies the procedural protection of an impartial due process hearing with respect to any matter relating to the identification, assessment, or educational placement of the child, or the provision of a free appropriate public education, referred to as FAPE, to the child. (20 U.S.C. § 1415(b)(6) & (f); 34 C.F.R. § 300.511 (2006); Ed. Code, §§ 56501, 56502, and 56505; Cal. Code Regs., tit. 5, § 3082.) The party requesting the hearing is limited to the issues alleged in the complaint, unless the other party consents, and has the burden of proof by a preponderance of the evidence. (20 U.S.C. § 1415(f)(3)(B); 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]

(*Schaffer*); and see 20 U.S.C. § 1415(i)(2)(C)(iii).) Bellflower filed this complaint to defend its assessment and bore 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).) The Decision does not cite to the administrative record because it was not available before the issuance of this Decision, and OAH policy is that decisions do not include citations to the record.

Student was seven years old and in first grade at the time of hearing. Student resided within Bellflower's geographic boundaries at all relevant times. Student is currently not eligible for special education and related services.

THE LEGAL COMPLIANCE OF BELLFLOWER'S PSYCHOEDUCATIONAL ASSESSMENT

The sole issue in the case is the legal compliance of Bellflower's psychoeducational assessment that was completed on November 20, 2025, and presented at the individualized educational program, called IEP, team meeting held the same day. Bellflower asserts that its assessment complied with all legal requirements of the state and federal laws. Student contends that the assessment was not appropriate and not sufficiently comprehensive.

An assessment must be sufficiently comprehensive to identify all the student's special education and related services needs, whether commonly linked to the disability category in which the child is classified. (34 C.F.R. § 300.304(c)(6) (2006).) School districts must conduct a full and individual evaluation before the initial provision of special education and related services. (34 C.F.R. § 300.301(a) (2007).) In performing an assessment, a school district must review existing assessment data, including

information provided by the parents and observations by teachers and service providers. (20 U.S.C. § 1414(c)(1)(A); 34 C.F.R., § 300.305 (2007); Ed. Code, § 56381, subd. (b)(1). It must perform assessments that are necessary to obtain such information concerning the student. (20 U.S.C. § 1414(c)(2); Ed. Code, § 56381, subd. (c).)

In conducting an assessment, a school district must follow statutory guidelines. It must select and administer assessment materials that are in the student's native language and that are free of racial, cultural, and sexual discrimination. (20 U.S.C. § 1414(b)(3)(A)(i); Ed. Code, § 56320, subd. (a).) The assessment materials must be valid and reliable for the purposes for which the assessments are used. (20 U.S.C. § 1414(b)(3)(A)(iii); Ed. Code, § 56320, subd. (b)(2).) Trained, knowledgeable, and competent district personnel must administer the assessments. (20 U.S.C. § 1414(b)(3)(A)(iv); Ed. Code, §§ 56320, subd. (b)(3), 56322.) The assessments must be sufficiently comprehensive and tailored to evaluate specific areas of educational need. (20 U.S.C. § 1414(b)(3)(C); Ed. Code, § 56320, subd. (c).) California law refers to evaluations as assessments and the terms assessment and evaluation will be used in this Decision interchangeably. (Ed. Code, § 56302.5)

A district cannot use a single measure or evaluation as the sole criteria for determining whether the pupil is a child with a disability. (Ed. Code, § 56320, subd. (e); see also 20 U.S.C. § 1414(b)(2)(B); 34 C.F.R. § 300.304(b)(2) (2006).) An assessment must use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors, and administered in accordance with any instructions provided by the producer of such assessments. (20 U.S.C. §§ 1414(a)(2), (b) & (c); Ed. Code, §§ 56320, 56381, subd. (e).)

Students must be assessed in all areas related to a suspected disability. (20 U.S.C. § 1414(b)(3)(B); Ed. Code, § 56320, subd. (f).) Psychological assessments must be conducted by a credentialed school psychologist. (Ed. Code, § 56324, subd. (a).) The determination of what tests are required is made based on information known at the time. (See *Vasheresse v. Laguna Salada Union Sch. Dist.* (N.D. Cal. 2001) 211 F.Supp.2d 1150, 1157-1158.)

The personnel who assess the student must prepare a written report that must include the following:

whether the student may need special education and related services; the basis for making that determination; the relevant behavior noted during the 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; and a determination of the effects of environmental, cultural, or economic disadvantage if appropriate. (Ed. Code, § 56327.)

A student may be entitled to an independent educational evaluation if he or she disagrees with an evaluation obtained by the public agency and requests an independent evaluation at public expense. (20 U.S.C. § 1415(b)(1); 34 C.F.R. § 300.502 (a)(1), (b)(1) & (2); Ed. Code, § 56329, subd. (b) [incorporating 34 C.F.R. § 300.502 by reference]; Ed. Code, § 56506, subd. (c) [parent has the right to an independent evaluation as set forth in Ed. Code, § 56329]; see also 20 U.S.C. § 1415(d)(2) [requiring procedural safeguards notice to parents to include information about obtaining an independent evaluation].) "Independent educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education

of the child in question. (34 C.F.R. § 300.502(a)(3)(i).) A parent is entitled to only one independent educational assessment at public expense each time the public education agency conducts an assessment with which the parent disagrees. (34 C.F.R. § 300.502(b)(5); Ed. Code, § 56329, subd. (b).)

The evidence established that the November 20, 2025 psychoeducational assessment did not meet required legal standards.

BACKGROUND

Student was privately diagnosed with Autism at age four and a half and received early intervention services through the local regional center. Student began kindergarten on September 3, 2024, for the 2024-2025 school year at Craig Williams Elementary School, called Craig Williams, a Bellflower school. On September 5, 2024, Parents informed Bellflower of Student's autism diagnosis and requested that Student be assessed for special education due to his behavioral and emotional difficulties. Bellflower denied that request and issued a prior written notice, called PWN, on September 20, 2024. Bellflower reasoned in its PWN, "since Student had only been in school for 12 days, that it is not sufficient time for a student to become adjusted to the new routines and structure of the school environment."

Following the issuance of the PWN, Student had three disciplinary actions in September 2024. Parent then asked the Craig Williams Principal, Cecelia Madrid, if the family could bring in a private applied behavior analysis aide, called ABA aide, into the kindergarten classroom for Student. Bellflower permitted an ABA aide to assist Student in kindergarten. The ABA aide began in September 2024 through June 6, 2025, the conclusion of Student's kindergarten school year.

Micaela Vargas, Student's kindergarten teacher, testified at hearing. She established that the ABA aide remained in close proximity to Student at all times, provided options for seating choices, provided a token board to assist with functional communication, and helped Student work on social stories. Prior to the ABA aide, Student struggled with respecting boundaries and personal space. Student did not have any significant disciplinary actions in kindergarten once he was accompanied by an aide. Student's progress report for kindergarten, indicated that Student continued to make progress on behavioral concerns. Vargas testified in a clear, internally consistent manner, reflecting strong personal knowledge of Student and the progress Student made in his behavior with the ABA aide's assistance that year. It was specific and detailed, corroborated by contemporaneous documentary evidence, including the progress reports and disciplinary records. Vargas was not undermined by cross-examination and was able to provide additional insight into Student's struggles with respecting boundaries, and personal space. Vargas's testimony regarding the aide's assistance was credible and afforded great weight.

On August 15, 2025, before the first day of Student's 2025-2026 school year, for the first grade at Craig Williams, Parents again requested that Student be assessed for special education. After some back and forth, Bellflower provided an assessment plan on September 19, 2025. Parents signed the assessment plan on September 23, 2025, and consented to all areas of assessment. Bellflower's assessment plan included testing in the areas of

- academic achievement,
- health,
- intellectual development,

- social emotional/behavior, and
- adaptive behavior.

No concerns were raised about the appropriateness of the assessment plan or the areas to be tested. The plan was provided within the required timelines.

Bellflower conducted the assessment and wrote the report in Student's primary language of English. Bellflower completed the assessment within the 60-day timeline, November 20, 2025, as required by state and federal laws. Bellflower had the IEP meeting the same day. Christopher English conducted the majority of the assessments.

INTELLECTUAL ABILITY, SOCIAL EMOTIONAL/BEHAVIOR AND ADAPTIVE BEHAVIORS

Joseph Guerrero, a school psychologist assigned to Craig Williams, began the assessment. Guerrero assessed Student's intellectual ability, social emotional/behavior, and adaptive behavior. Guerrero conducted a 25-minute classroom observation after the lunch recess on September 25, 2025, and a second 25-minute classroom observation after the morning recess on September 26, 2025. Guerrero provided Mother a parent questionnaire but did not interview her. Guerrero interviewed Student's teacher at the time, Renee Martinez Shores. Martinez Shores also completed the Behavior Assessment for Children Third Edition, called BASC-3, that evaluates a child's behavior, emotional functioning, and adaptive skills. Guerrero began the Kaufman Assessment Battery for Children Second Edition, called KABC-II, that tests cognitive abilities. Guerrero did not complete the KABC-II because Student transferred to Bellflower's Stephen Foster Elementary School, called Stephen Foster, before the assessment was complete.

Student's mother requested to have Student transfer schools on October 2, 2025. Mother, who testified at hearing, had concerns about Student's safety at Craig Williams because he had daily fights at recess and lunchtime. Guerrero did not observe Student at recess or lunchtime. Student had two disciplinary incidents on September 30, 2025, during the morning recess, and October 1, 2025, upon returning to the classroom from the morning recess. Both incidents involved touching other students and continued difficulty keeping his hands and feet to himself. Guerrero did not testify. Mother was so concerned about Student's behavior during unstructured times, following the second disciplinary action, Mother did not return Student to school until her October 2, 2025, request for an intra-district transfer was approved. Student began attending school again on October 22, 2025, at Stephen Foster.

Martinez Shores testified at hearing. She had concerns regarding Student's behavior at Craig Williams and established that Student exhibited more maladaptive behaviors during unstructured times, particularly during recess and lunch. Guerrero interviewed Martinez Shores who shared concerns with Guerrero about Student's difficulty with self-regulation and conflicts with peers. In one of Guerrero's observations, Student had had a conflict during recess immediately preceding the observation and despite that, Guerrero chose only to observe Student in the classroom. The law requires observations but does not specify the location or length. (20 U.S.C. § 1414(c)(1)(A); 34 C.F.R., § 300.305 (2007); Ed. Code, § 56381, subd. (b)(1). However, assessments must be sufficiently comprehensive to identify all the student's special education and related services needs. (34 C.F.R. § 300.304(c)(6) (2006.)

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The evidence in this case established that for the assessment to be sufficiently comprehensive to identify Student's behavior related needs, Guerrero should have observed Student at lunchtime, recess or during an unstructured time to see Student's behaviors.

Bellflower School Psychologist, Christopher English, continued Guerrero's unfinished assessments and conducted the majority of the psychoeducational assessment for Bellflower. English has been a school psychologist for 10 years and employed with Bellflower for eight years. English has conducted approximately 1000 assessments over his tenure. English holds an undergraduate degree in psychology and master's degree in educational psychology. He obtained his pupil public services credential in school psychology and an education specialist degree in school psychology. English conducted and completed the intellectual development, social emotional/behavior, and adaptive behavior assessment areas.

Student was also administered health screenings from the school nurse, Brenda Hau. Hau met Student one time and administered hearing and vision screenings. Hau also provided parents with a medical history assessment form to learn about allergies, medical history, and the autism diagnosis. Hau did not interview parents directly.

English completed the KABC-II that had previously been started by Guerrero as well as the BASC-3. English also conducted the following tests:

- Beery Buktenica Developmental Test of Visual-Motor Integration Sixth Edition, called VMI-6;
- Test of Auditory Processing Skills, Fourth Edition, called TAPS-4;
- Motor-Free Visual Perception Test Fourth Edition, called MVPT-4;

- Woodcock Johnson Tests of Achievement Fourth Edition called WJ-IV ACH; and the
- Autism Spectrum Rating Scales called ASRS.

English conducted two brief interviews of Student before commencing the assessments. Neither English, nor any assessor, interviewed Student's teacher, Debra Dahl, at Stephen Foster or either parent. English observed Student on November 14, 2025, in his classroom before morning recess for 25 minutes. He did not observe Student during recess, lunch, or unstructured time. English also gave the BASC-3 and the ASRS rating scales to both Mother and Dahl, and each completed these rating scales in a timely manner.

English received and reviewed Guerrero's notes, Mother's notes from the parent survey and medical survey, and school progress reports from kindergarten and the first quarter of first grade. English did not review any discipline records from kindergarten or first grade or interview Student's kindergarten teacher. English was not aware that there was a classroom aide in Student's initial first grade classroom or that Student had difficulty keeping his voice and body to himself, often screaming in the classroom. English briefly spoke to Mother over the telephone, but no evidence was established that this conversation elicited anything other than an introduction. English did not review Student's medical diagnosis of autism from the regional center. English testified that he did not need to review Student's history because an assessment is just a "snapshot in time." He did not inquire about Student's absence from school for two weeks during the assessment period. He did not observe Student during any unstructured time and did not discuss the assessment with Guerrero.

Bellflower's psychoeducational assessment was not legally compliant because it was not comprehensive. The assessment did not consider historical and recent behavior data and parental input.

THE PSYCHOEDUCATIONAL ASSESSMENT DID NOT CONSIDER ACCURATE AND COMPLETE INFORMATION

The assessment must be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified. (34 C.F.R. § 300.304(c)(6) (2006). Under the specific circumstances in this case, the assessment was not sufficiently comprehensive.

On January 9, 2026, after Bellflower's assessment, Student had an assessment conducted by Kaiser Permanente, called Kaiser. Kaiser confirmed Student's previous medical diagnosis of autism. A student is eligible for special education and related services in the category of autism if the student has a developmental disability affecting verbal and nonverbal communication, generally evident before age three, and adversely affecting a child's educational performance. Other characteristics associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. (Cal. Code Regs., tit. 5, § 3030, subd. (1).)

There was no dispute that Student exhibits some characteristics associated with autism as this information was shared in the parent survey and medical report. English described Student in the assessment as having "a flat facial affect, somewhat robotic tone of voice at times, and appearing concerned about getting things done correct at

time (perfectionism).” These same behaviors were corroborated by Kaiser in its evaluation conducted by Dr. Karen Garay, a developmental behavioral pediatrician.

Dr. Garay, noted that Student has a

- robotic monotone voice,
- somewhat flat facial expressions, and
- repetitive behaviors like spinning self, flapping hands, finger wiggling/hand posturing/jumping.

Dr. Garay also noted that Student has “repetitive vocalizations – always making sounds, screams,” does not understand personal space, and also plays roughly with peers. These noted deficits in developing, maintaining and understanding relationships were consistent with (a) his disciplinary actions in kindergarten, before having a classroom aide and (b) Martinez Shores’ testimony that Student had difficulty keeping his voice and body in control and screams. Both English and Dr. Garay noted that Student is compliant and responds to questions appropriately, volunteers information, and is able to respond appropriately both verbally and with gestures. Both assessors noted that Student was a pleasure or joy to test. While English acknowledged that Student exhibited behaviors associated with autism, there was no information presented that English reviewed Student’s initial autism diagnosis from the regional center. This information was relevant to understanding the nature and persistence of Student’s behaviors. As these behaviors occurred while Student was at Bellflower schools, the failure to know or consider this information undermined the completeness of the assessment.

English failed to consider critical information that was persistent and ongoing through the assessment period. Student had a history of difficulty keeping his hands and feet to himself at school that was not included in the assessment, beyond a comment

from Mother. English did not follow up on Mother's statement to understand whether his difficulty occurred in all settings, including school. English did not review Student's disciplinary records from either kindergarten or first grade which included two disciplinary actions during the assessment period. On September 30, 2025, while Student was at Craig Williams, right after the morning recess, Student was disciplined for continuing to touch other students, slamming a chair, and for being disrespectful and disruptive. On October 1, 2025, Student was disciplined on the playground during morning recess for putting his hands on girls at recess and pulling hair. Parent pulled Student out of school the next day and requested the intra-district transfer. Yet English did not review any of this relevant information.

English noted in his assessment regarding Student's educational history that Student missed approximately 14 days of school, without inquiring further about the reason behind Student's two-week absence from school. Shortly after Student began school at Stephen Foster, Student had maladaptive behaviors during recess that caused him to be excluded from Halloween activities. English did not interview Student's current teacher and therefore did not have this information. English did not have sufficient information about Student's behaviors.

To be legally compliant, a district must conduct a, "full and individual initial evaluation ..." (34 C.F.R. § 300.301(a) (2007)). In this case, the evidence established that for the evaluation to be full, reviewing Student's behavior record was essential. In particular, English needed this knowledge to comprehensively assess Student's social-emotional functioning and potential eligibility under other health impairment or autism. The

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omission of meaningful analysis of this record renders the evaluation incomplete. It denied IEP team members who were charged with determining Student's eligibility for special education, necessary information.

The assessment also omitted critical information regarding previous behavioral supports that was known at the time of the assessment but was not taken into consideration. IDEA requires meaningful considerations of behavioral interventions when behavior may impede learning. (20 U.S.C. § 1414(d)(3)(B)(i); 34 C.F.R. § 300.324(a)(2)(i).) Both Martinez Shores and Vargas who both taught Student over a long period of time, credibly testified that Student needed additional supports in the classroom. Moreover, because Student moved schools, neither Martinez Shores nor Vargas were members of Student's IEP team. Thus, the assessment, including what English knew, was the vehicle by which their information was shared with Student's IEP team.

Since English failed to review Student's behavior record or speak with Martinez Shores, he was unaware that Student had an ABA aide during kindergarten or that he had behavior incidents during recess and lunch. The only place in the entire assessment that mentioned that Student had previously had behavioral supports was the brief comment in the Parent section. Mother had included information in her initial request for an assessment about Student having daily push-in support in the classroom, again this was not included in the assessment.

English testified that he was not aware what those supports were and he did not inquire with either previous teacher or Mother to gain insight into the information that Mother had provided. When asked in cross-examination if he interviewed the previous

kindergarten teacher to determine what those supports were, English testified that, "school psychologists don't roam between multiple schools typically to interview past teachers." Failing to follow up and include such critical information that was available to Bellflower at the time of the assessment, rendered the assessment incomplete.

English also testified that this was the first time in nearly 1000 assessments that he had conducted, that a student had transferred schools in the middle of the assessment period. Here, since it was not typical for a student to transfer schools in the middle of an assessment, it was necessary to understand a complete background and obtain critical information from prior teachers even if at different school sites.

Vargas believed the presence of Student's privately provided one-to-one aide who stayed in close proximity and kept him on task significantly influenced his behavior. Without such knowledge, English did not know to even consider if this impacted the positive progress report from kindergarten. Student had three disciplinary actions in kindergarten prior to having the one-to-one support and no significant disciplinary actions with that support for the remainder of his kindergarten year. Martinez Shores also established that there was an aide in her classroom who assisted Student regularly throughout his day, yet there was no information mentioning the aide in the written assessment.

Bellflower contends in its closing brief that the kindergarten teacher's testimony was related to Student's functioning during an earlier period and was not familiar with Student's academics or performance in first grade, thus inferring that her knowledge of Student's behavior and supports for an entire school year immediately preceding the

request for assessment was irrelevant. This argument is unpersuasive, particularly because Student had only been at Stephen Foster for approximately one month when the assessment was presented to the IEP team.

It was necessary to look at Student's previous placement and behavioral history to have sufficient familiarity of his behaviors for the assessment to be sufficiently comprehensive. Considering the extent to which the aides and support masked or mitigated Student's areas of need was necessary to accurately and completely assess Student's independent functioning.

INADEQUATE PARENT INPUT

English's interview of Mother was not sufficiently comprehensive or thorough. English testified that neither he nor Guererro conducted a formal interview of Mother and only spoke with her briefly after Student transferred schools, and that he only used the parent survey to source Student's background. The impersonal nature and lack of specific information was evidenced by the two sentences included in the Parent Interview section of the assessment which stated that, "student often has difficulties at home including impulsivity, hyperactivity, complaints about social interactions, headaches/stomachaches, and does not complete tasks or chores at home." The assessment further stated that,

"Last year in kindergarten at his previous school, he had more behavioral support at school and made improvements with academics and behavior ... and has a hard time keeping his hands to himself, monitoring his voice's volume, focusing on academics, and maintaining personal space."

The assessment and English's testimony also established that English discounted Mother's input in both the BASC-3 rating scale and the ASRS reporting scale, confirming his belief that while Student may have significant behavioral difficulties at home, English did not believe those behaviors transferred across all settings. English testified that he was surprised by the referral as he did not see the behaviors that were marked as clinically significant in the BASC-3 or ASRS reporting scale. Had English held a proper interview of Mother following her completion of the BASC-3 and ASRS, he could have filled in the missing pieces regarding the referral. A parent's input is a required component of a legally compliant psychoeducational assessment. (34 C.F.R. §300.306(c)(1)(i)). It was Bellflower's burden to prove the assessment was legally compliant and Bellflower did not bear its burden.

The Parent survey in this instance was not sufficient to provide adequate information to ensure that Parent input was considered. Mother testified that she removed Student and his siblings from Craig Williams, due to safety concerns because Student was getting into physical fights on the playground even though she volunteered on campus daily at lunch time. Mother removed Student after his second disciplinary action in two days. While a parent survey may be sufficient to learn information about a student in some instances, English was on notice that something had occurred that caused the Parents to remove Student from his previous placement.

Here, with such limited Parent participation, the information from the survey failed to capture (a) Mother's concerns, (b) an explanation regarding Student's absence from school for two weeks before Student's school transfer, and (c) comprehensive information about Student's behavioral history that was critical to consider in the assessment process. As mentioned above, English testified that this was the first time

a student has transferred schools in the middle of an assessment that English was conducting. Due to the unusual nature of this particular assessment and to have an accurate picture of Student, the Parent survey was not sufficient to provide necessary Parent input. None of this significant information was in Bellflower's assessment report.

For these reasons, the psychoeducational assessment was not comprehensive.

THE PSYCHOEDUCATIONAL ASSESSMENT WAS NOT RELIABLE

SOCIAL, EMOTIONAL AND BEHAVIORAL TESTING

The assessment materials must be valid and reliable for the purposes for which the assessments are used. (20 U.S.C. § 1414(b)(3)(A)(iii); Ed. Code, § 56320, subd. (b)(2).) An assessment must use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors, and administered in accordance with any instructions provided by the producer of such assessments. (20 U.S.C. §§ 1414(a)(2), (b) & (c); Ed. Code, §§ 56320, 56381, subd. (e).)

The social emotional testing conducted as part of the psychoeducational assessment was deficient. English conducted the social, emotional and behavioral testing. English administered the BASC-3 behavioral assessment which measures the behavior and self-perceptions of children and young adults. This test, "offers a comprehensive system for identifying, evaluating, monitoring, and remediating behavioral and emotional problems in children and adolescents." English explained in testimony that he provided Student's present teacher, Dahl, the teacher reporting scale and Mother, the parent reporting scale. The previous assessor, Guerrero, provided Martinez Shores the teacher reporting scale as well.

English explained that the teacher and parent surveys are broad rating scales designed to determine how a student is acting at home and school. There are both clinical and adaptive rating scales. Ratings that are in the clinically significant range would suggest a high level of maladaptive behavior. Scores in the at-risk range may identify a problem that is not severe enough to require formal treatment; and scores in the average range would be considered within the normal limits as compared to same-age peers.

The Assessment breaks down the Parent report scale. The Parent report scale is meant to measure a student's behavioral characteristics in all areas at home regarding internalizing, externalizing and broad behavioral tendencies. It measures hyperactivity and physical aggression referring to

- teasing,
- verbally threatening,
- breaking other's possessions,
- bullying others,
- rule-breaking,
- cheating in school,
- lying, and
- deception.

It also measures anxiety, depression and somatization which looks at worrying, fears, and phobias. Parents are also asked about adaptive skills, such as functional communication, social skills, and leadership as well as behavioral symptoms that look at how a child

behaves in normal surroundings and when making social contact. Parent reporting scales found that Student exhibited clinically significant behaviors in all behavioral areas. Parent rated Student at risk in the areas of adaptive skills.

The Assessment also delineated the teacher report scales. The BASC-3 teacher report scales measure how a student externalizes problems in areas such as hyperactivity and aggression. In evaluating a student, a teacher looks at how the student is in regard to interrupting others, being overactive, and having poor self-control. Other areas include impulsiveness, acting without thinking, and the inability to wait for one's turn. Under the aggression scale, teachers evaluate a student in reference to

- arguing,
- teasing,
- verbally threatening others,
- breaking other's possessions,
- bullying others, and
- getting back at others.

To evaluate conduct problems, teachers look at

- rule-breaking,
- cheating,
- stealing,
- lying, and
- deception.

The test also measures internalizing problems in areas such as: sadness, mood challenges, and inability to perform everyday activities. The adaptive skills look at how a student transitions and recovers, using “please” and “thank you,” leadership skills, transition, and analyzing problem solving. Finally, the teacher scales also measure the behavioral symptoms which measure overall levels of behavior, hyperactivity, aggression, and depression. This looks at odd or strange behaviors, withdrawal, and distractibility.

English scored the teacher surveys from Martinez Shores and Dahl. Martinez Shores filled out the BASC-3 survey on September 25, 2025, approximately seven weeks after she began teaching Student and rated Student in the clinically significant range in many areas. Dahl completed the BASC-3 survey on November 5, 2025, approximately nine days after Student began attending her classroom. Dahl rated Student in the average range in almost all areas except aggression where she rated Student at risk with an overall behavioral symptom index of average. In the functional skills, both teachers rated Student at risk. English found the ratings to be valid and consistent for both raters. However, English’s testimony was not persuasive. The testing scales explained above suggest that a teacher filling out the rating scales has significant knowledge of a student over a period of time in order to measure each rating area. English relied entirely on the rating scale of Dahl. This analysis of the rating scales is inconsistent with how tribunals have reviewed BASC testing protocols.

Cases have held that a legally compliant assessment must be based on sufficient familiarity with the student across time and settings. In *Corona-Norco Unified School District v. Student* (OAH Case No. 2009010538), OAH found an assessment valid after a district recognized that two of its three teachers who provided input on the BASC-2

survey did not have the requisite six-to-eight-week knowledge of Student as required by the testing protocols, and therefore the district appropriately disregarded the survey results of those two teachers.

In *Cabrillo Point Academy v. Student* (OAH Case No. 2022010227), OAH found an assessment sufficient where a district did not provide teacher input on the BASC-3 because the teacher had limited contact with the student and the BASC-3 protocols required teachers who have considerable knowledge and frequent contact with a student to provide input.

Similarly, *Student v. Manteca Unified School District* (OAH Case No. 2009060164), noted that the BASC rating scale protocols require teachers to know the student over a specific length of time. In that case, the BASC was not used because other assessment scales do not require teachers to have known their pupils over a long period of time.

Dahl completed the BASC-3 survey on November 5, 2025, approximately nine days after Student began attending her classroom. No evidence was presented by Bellflower that Dahl had considerable knowledge of Student at the time she filled out the BASC-3 rating scales. The selection of the BASC-3 in this situation where Student transferred schools in the middle of the assessment process and obtaining teacher input from a teacher with little knowledge of Student, renders the testing unreliable in accordance with the law. (20 U.S.C. §§ 1414(a)(2), (b) & (c); Ed. Code, §§ 56320, 56381, subd. (e).).

Therefore, Bellflower did not bear its burden that its formal measure used was reliable.

MISAPPLICATION OF LEGAL STANDARDS

Perhaps most concerning is English's continued misapplication of the legal standards that he was given the authority to implement. English repeatedly said in his testimony that eligibility is about the impact on reading, writing, and math skills. English stated in his cross-examination that, "a child qualifies for an IEP for academic needs related to reading, writing, and math. Having an IEP for just behavioral needs, it shouldn't be done, it happens from time to time but truly isn't an accurate way of approaching support for a student. It needs to be about academic deficits." This is an inaccurate and fundamental misunderstanding of the law.

Eligibility under IDEA is not limited to students with academic deficits. A student's unique educational needs are to be broadly construed to include academic, social, health, emotional, communicative, physical, and vocational needs. (*Seattle Sch. Dist., No. 1 v. B.S.* (9th Cir. 1996) 82 F.3d 1493, 1501 reversed in part on other grounds by *Schaffer, supra*, 546 U.S. at pp. 56-58.) The "educational benefit" to be provided to a student requiring special education is not limited to addressing the student's academic needs, but also social and emotional needs that affect academic progress, school behavior, and socialization. (*County of San Diego v. California Special Education Hearing Office* (9th Cir. 1996) 93 F.3d 1458, 1467.)

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In addition, educational needs include functional performance. (Ed. Code § 56345, subd. (a)(1).) For these reasons, a pupil's IEP must target all of his or her unique educational needs, whether academic or non-academic. (*Lenn v. Portland School Committee* (1st Cir. 1993) 998 F.2d 1083, 1089.) A school district is required to provide educational instruction, specially designed to meet the unique needs of a child with a disability, supported by such services as are necessary to permit the child to benefit from the instruction. (*Rowley*, supra, 458 U.S. at pp.188-189; *San Diego*, supra, 93 F.3d at p. 1468.)

English overly focused on Student's average academic performance both in the classroom as well as on the other assessments provided and did not believe that Student's autistic tendencies impacted Student in school. English was asked in testimony about Student's behavioral difficulties in class. He explained that Student is fidgety and makes inconsistent eye contact and has difficulty keeping his hands and feet to himself. English was asked in cross-examination if he was aware that Student was in trouble in the classroom, on Halloween, approximately a week after Student started at Stephen Foster and during the assessment period. English was not aware of this information or that Student was excluded from participating in activities for difficulty keeping his hands and feet from other students. English was not aware that Dahl believed Student needed improvement in social development. The failure to obtain critical assessment information about a student, renders the accomplishment of the IDEA's goals, and the achievement of a FAPE, impossible. (*N.B. v. Hellgate Elementary School District* (9th Cir. 2008) 541 F.3d 1202, 1210 [quoting *Amanda J. v. Clark County School District* (9th Cir. 2001) 267 F.3d 877, 894].)

Throughout English's testimony, English stated that the assessment is meant to be a "snapshot in time," and that it was unnecessary to review history for an IEP or review any of Student's past kindergarten records as that was irrelevant to Student's performance in first grade. He elaborated on this sentiment during cross-examination and stated that an assessment is

"a snapshot of who a student is at the time, not just what they were showing a year ago, seven months ago, six months ago, four months ago. It's a snapshot in time of that student of who he is now not who they were."

His repeated comments about a "snapshot in time" throughout his initial testimony and when he was recalled, goes against how the courts have interpreted review of educational history and past behavior. The law does not specify how much historical information is necessary. In this case, however, English failed to obtain even contemporaneous information about Student's behavior.

Bellflower failed to prove by a preponderance of the evidence that its psychoeducation assessment was legally compliant.

CONCLUSIONS AND PREVAILING PARTY

As required by California Education Code section 56507, subdivision (d), the hearing decision must indicate the extent to which each party has prevailed on each issue heard and decided.

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BELLFLOWER'S ISSUE:

Bellflower did not prove that its November 20, 2025, psychoeducational evaluation was legally compliant such that Student is not entitled to an independent psychoeducational evaluation at public expense.

Student prevailed on the issue.

REMEDIES

This Decision finds that Bellflower's assessment was not legally compliant because it was not sufficiently comprehensive.

Bellflower failed to establish that it appropriately assessed Student's behavioral, social, and emotional functioning. Therefore, Student is entitled an independent psychoeducational evaluation at public expense.

ORDER

1. Bellflower's November 20, 2025, psychoeducational evaluation was not legally compliant in that it failed to adequately assess Student's autism, behavioral, social, and emotional functioning.
2. Bellflower is ordered to fund an independent psychoeducational evaluation to assess Student.

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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.

Jessica Plitt

Administrative Law Judge

Office of Administrative Hearings