

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

PETALUMA CITY SCHOOLS,

V.

PARENTS ON BEHALF OF STUDENT.

CASE NO. 2026030045

DECISION

MAY 13, 2026

On March 2, 2026, the Office of Administrative Hearings, called OAH, received a due process hearing request from Petaluma City Schools naming Student. Administrative Law Judge Rita Defilippis heard this matter on March 24, 25, 26, and 30, 2026.

Attorney Jennifer Nix represented Petaluma. Sarah Schafer, director of special services, attended all hearing days on Petaluma's behalf. Student's mother, referred to as Parent, represented Student. Parent attended all hearing days on Student's behalf.

At the parties' request, the matter was continued to April 27, 2026, for written closing briefs. The record was closed, and the matter was submitted on April 27, 2026.

ISSUE

On the first day of hearing, the parties and the ALJ reviewed and further clarified the issue for hearing. Parent represented that her request for independent educational evaluations was based on her disagreement with the psychoeducational evaluation, which included academic achievement, the speech and language, and occupation therapy assessments, within the December 9, 2025, multidisciplinary assessment report. Parent confirmed she did not disagree with Petaluma's health assessment. The parties agreed to limit the issue to be heard and decided in this matter to the legal sufficiency of Petaluma's psychoeducational, speech and language, and occupational therapy assessments. Petaluma's December 9, 2025 multidisciplinary assessment report was entitled Eligibility Evaluation. Therefore, the issue to be heard and decided in this matter is clarified as follows:

Were Petaluma's psychoeducational, speech and language, and occupational therapy assessments, within Petaluma's December 9, 2025, eligibility evaluation report, appropriate such that Student is not entitled to independent educational evaluations in these areas at public expense?

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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; 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).) In this matter, Petaluma bears the burden of proving the psychoeducational, speech and language, and occupational therapy assessments, within the December 9, 2025 eligibility evaluation report, met all legal requirements such that Student is not entitled to independent educational evaluations in these areas at public expense. 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).) Federal law uses the term "evaluation", while California law uses the term "assessment", which have the same meaning and the terms are used interchangeably in this Decision.

Student was seven years old and in second grade at the time of hearing. Student resided within Petaluma's geographic boundaries at all relevant times. Student was eligible for special education under Other Health Impairment related to Student's diagnosis of attention-deficit hyperactivity disorder.

ISSUE: WERE PETALUMA'S PSYCHOEDUCATIONAL, SPEECH AND LANGUAGE, AND OCCUPATIONAL THERAPY ASSESSMENTS WITHIN PETALUMA'S DECEMBER 9, 2025 ELIGIBILITY EVALUATION REPORT APPROPRIATE SUCH THAT STUDENT IS NOT ENTITLED TO INDEPENDENT EDUCATIONAL EVALUATIONS IN THESE AREAS AT PUBLIC EXPENSE?

Petaluma contends its December 9, 2025 psychoeducational, speech and language, and occupational therapy assessments were appropriate and complied with all legal requirements. Petaluma asserts Student's requested independent evaluations in these areas should be denied.

Student's specific disagreements with the December 9, 2025 psychoeducational, speech and language, and occupational therapy assessments were varied and unclear. Parent communicated a general distrust for the assessors' raw data based on Parent's asserted difficulty in getting testing protocol records. Parent contends the assessment did not sufficiently discuss how the assessment results translate into the classroom in terms of needed supports.

Parent also contends the assessment report lacked sufficient explanation of its assessors' conclusions regarding Student's eligibility for services under specific learning disability and autism, and argued the conclusions were predetermined. Parent disagreed with the school psychologist's use of the discrepancy model in her analysis of eligibility under specific learning disability, given Student's scattered scores in cognitive testing.

Furthermore, Parent asserted the school psychologist's interpretation of contrasting teacher and Parent social-emotional, adaptive functioning, and autism rating scales failed to consider Student's tendency to suppress, or mask, her disability related symptoms to fit in with her typical peers.

Lastly, Parent maintains Petaluma failed to file for due process, without delay, to defend its assessment, thus delaying appropriate services for Student.

This Decision finds Petaluma's speech and language, occupational therapy, and psychoeducational evaluations met all legal requirements.

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LEGAL REQUIREMENTS FOR ASSESSMENTS

A school district must give a parent an assessment plan within 15 calendar days of referral, not counting calendar days between the pupil's regular school sessions or terms or calendar days of school vacation in excess of five schooldays, from the date of receipt of referral, unless the parent or guardian agrees in writing to an extension. (Ed. Code, §§ 56043, subd. (a); 56321, subd. (a).) The parent has at least 15 days to consent in writing to the proposed assessment. (Ed. Code, §§ 56043, subd. (b), 56321, subd. (c)(4).)

To obtain parental consent for an assessment, the school district must provide proper notice to the student and his or her parent. (20 U.S.C. § 1414(b)(1); 20 U.S.C. § 1415(b)(3),(c)(1); Ed. Code, §§ 56321, subd. (a), 56381, subd. (a).) The notice consists of the proposed assessment plan and a copy of parental procedural rights under the IDEA and related state law. (20 U.S.C. §§ 1414(b)(1), 1415(c)(1); Ed. Code, § 56321, subd. (a).) The assessment plan must (a) be in a language easily understood by the public and the native language of the parent; (b) explain the assessments that the school district proposes to conduct; and (c) provide that the school district will not implement an individualized education program, called an IEP, as the result of the assessment without the consent of the parent. (Ed. Code, § 56321, subd. (b)(1)-(4).)

An IEP, required as a result of an assessment of a student must be developed within a total time not to exceed 60 calendar days, not counting days of school vacation in excess of five school days, from the date of receipt of a parent's written consent for assessment, unless the parent agrees in writing to an extension. (Ed. Code, § 56043, subd. (f)(1).)

Under certain conditions, a parent is entitled to obtain an independent educational evaluation at public expense. (20 U.S.C. § 1415(b)(1); 34 C.F.R. § 300.502(a)(1) (2006); 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 educational evaluation as set forth in Ed. Code, § 56329].) To obtain an independent educational evaluation, the parent must disagree with an evaluation obtained by the public agency and request an independent educational evaluation. (34 C.F.R. § 300.502(b)(1) (2006).)

When a student requests an independent educational evaluation, the school district must, without unnecessary delay, either file a request for due process hearing to show that its assessment is appropriate or ensure that an independent educational evaluation is provided at public expense. (34 C.F.R. § 300.502(b)(2) (2006); Ed. Code, § 56329, subd. (c).) The term “unnecessary delay” as used in title 34 Code of Federal Regulations part 300.502(b)(2) is not defined in the regulations. Some delay in the provision of an independent evaluation is reasonable if the school district and the parents are engaging in active communications, negotiations or other attempts to resolve the matter. (See *Horne v. Potomac Preparatory P.C.S.* (D.D.C. 2016) 209 F.Supp.3d 146, 153-155.) The determination of unnecessary delay is a fact-specific inquiry, and therefore, the facts of each case are critical. (*Id.* at p. 153)

Before any action is taken with respect to the initial placement of a special education student, an assessment of the student’s educational needs shall be conducted. (34 C.F.R. § 300.301(a) (2007); Ed. Code, § 56320.) No single procedure

may be used as the sole criterion for determining whether the student has a disability or determining an appropriate educational program for the student. (20 U.S.C. § 1414(b)(2)(B); Ed. Code, § 56320, subd. (e).)

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

Assessments must be conducted by individuals who are both "knowledgeable of [the students] disability" and "competent to perform the assessment, as determined by the local educational agency." (Ed. Code, §§ 56320, subd. (g), 56322; see 20 U.S.C. § 1414(b)(3)(A)(iv).)

Tests and assessment materials must be selected and administered so as not to be racially, culturally or sexually discriminatory, and must be provided and administered in the student's primary language or other mode of communication unless this is clearly not feasible. (20 U.S.C. § 1414(a)(3)(A)(i)-(iii); Ed. Code, § 56320, subd. (a).)

A school district must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent that may assist in determining whether he is eligible for special education, and what the content of his program should be. (20 U.S.C. § 1414(b)(2)(A); 34 C.F.R. § 300.304(b)(1)(2006).) An assessment tool must "provide relevant information that directly assists persons in determining the educational needs of the child." (34 C.F.R. § 300.304(c)(7) (2006).)

In selecting assessment tools, the assessor must do more than pick a generally valid instrument. Tests and other assessment materials must be used “for purposes for which the assessments or measures are valid and reliable.” (20 U.S.C. § 1414(a)(3)(A)(iii); Ed. Code, § 56320, subd. (b)(2).) Assessment tools must be “tailored to assess specific areas of educational need ...”. (Ed. Code, § 56320, subd. (c).) Special attention shall be given to the student’s unique educational needs (*Id.*, subd. (g).)

Assessors must use “technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.” (20 U.S.C. § 1414(b)(2)(C); 34 C.F.R. § 300.304 (b)(3)(2006).) “Technically sound instruments” generally refers to assessments that have been shown through research to be valid and reliable. (Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children With Disabilities, 71 Fed.Reg. 46540-46541, 46642 (Aug. 14, 2006).)

A school district must also ensure that the child is observed in the child’s learning environment, including the regular classroom setting, to document the child’s academic performance and behavior in the areas of difficulty. (34 C.F.R. § 300.310(a)(2006).)

It is the duty of the IEP team, not the assessor, to determine whether a student is eligible for special education and related services. (20 U.S.C. § 1414(b)(4)(A); 34 C.F.R. §§ 300.305(a)(iii)(A)(2006); 300.306(a)(1)(2017). To aid the IEP team in determining eligibility, an assessor must produce a written report of each assessment that includes whether the student may need special education and related services and the basis for making that determination. (Ed. Code, § 56327, subds. (a), (b).) For a student with a learning disability, the report must explain whether there is such a discrepancy between achievement and ability, that it cannot be corrected without special education and

related services. (Ed. Code, § 56327, subd. (f).) The report must be given to the parent or guardian. (Ed. Code, § 56329, subd. (c).) Normally, an assessment must be completed within 60 days of the receipt of parental consent for it. (34 C.F.R. § 300.301(c)(1)(i), (ii) (2007); see Ed. Code, § 56302.1(a).)

THE ASSESSMENT PLAN WAS APPROPRIATE

In mid-September 2025, Student's IEP team decided to conduct a re-evaluation of Student to determine Student's continued eligibility for special education and to identify Student's educational needs. The decision to re-evaluate followed Parents' reported concerns regarding Student's heightened behaviors in the home, a July 2025 diagnosis of autism spectrum disorder by North Bay Regional Center, and a medical diagnosis of avoidant restrictive food intake disorder, also referred to as AFRID. On September 18, 2025, Petaluma emailed an assessment plan to Parent, referred to as the September 18, 2025 assessment plan.

The September 18, 2025 assessment plan met all legal requirements. Petaluma timely provided Parent the assessment plan within 15 days of Student's referral for assessments in mid-September 2025. Petaluma also provided a notice of procedural safeguards along with the September 18, 2025 assessment plan. The plan was written in English, Parent's native language, used language easily understood by the public, stated that no special education services will be provided, and no IEP will result, from the assessment without written parental consent.

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The September 18, 2025, assessment plan clearly explained the information sought through the evaluation of various areas. The plan proposed the following assessments:

- an academic achievement assessment by a resource specialist;
- an assessment of Student's intellectual development, social-emotional/ behavioral functioning, and adaptive behavior, by a school psychologist;
- a health assessment by a school psychologist and nurse;
- an assessment of Student's language and speech communication development by a speech and language pathologist; and
- an assessment of Student's motor development by an occupational therapist.

Parent consented to the assessment plan on September 18, 2025.

PETALUMA'S DECEMBER 9, 2025 SPEECH AND LANGUAGE,
OCCUPATIONAL THERAPY, AND PSYCHOEDUCATIONAL
ASSESSMENTS MET ALL LEGAL REQUIREMENTS

SPEECH AND LANGUAGE ASSESSMENT

PETALUMA'S SPEECH AND LANGUAGE ASSESSOR WAS QUALIFIED

Emily Millspaugh, referred to as Emily Cantoni in this Decision, administered the speech and language portion of the December 9, 2025 multidisciplinary assessment. Cantoni testified at hearing regarding her assessment.

Cantoni was familiar with Student as she had conducted a prior speech and language assessment of Student in 2024. Cantoni held a certification of clinical competence from the American Speech and Hearing Association. She also held a California speech and language pathology license since 2019, and a California speech and language pathology credential since June 2024. Cantoni earned a Master of Science degree in speech and language pathology in 2019, and a Bachelor of Arts degree in communicative disorders, in 2017. Cantoni was a speech and language pathologist for Petaluma since June 2024. From 2019 to June 2024, Cantoni was also employed as a speech and language pathologist by a private pediatric practice.

Cantoni conducted approximately 12 to 15 speech and language assessments per year, with Petaluma. Cantoni was trained in the administration of each of the assessment tests used in her assessment of Student. The evidence established Cantoni was qualified to assess Student's language and speech communication development based on Cantoni's certifications, education and experience, and familiarity with Student's disability and needs.

Cantoni's testimony at hearing evidenced her training and experience, as she clearly explained her test results and conclusions and answered questions concisely with reasoned analysis. Accordingly, her testimony was credible and accorded great weight.

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PETALUMA OBSERVED STUDENT AND GATHERED INFORMATION
FROM PARENT AND TEACHER FOR THE SPEECH AND LANGUAGE
ASSESSMENT

Cantoni conducted observations of Student in both structured and unstructured settings, interviewed Parent and Student's general education teacher, and assessed Student over four to five 20 to 30-minute testing sessions.

Cantoni conducted two observations of Student at school as part of her assessment. Cantoni first conducted a 30-minute observation of Student which began in the second-grade general education classroom. Student was completing work at her desk. Student became dysregulated, took a brief break and went to a quiet corner with stuffed animals in the classroom. She was able to self-regulate and re-engage with the class during group activities.

Student was initially quiet when interacting with her peers, but soon participated with her peers in small group and side conversations. Student then transitioned outside with her class, where she engaged positively with classmates, and demonstrated appropriate social communication, including

- turn-taking,
- reciprocating questions,
- using effective body language, and
- providing relevant comments.

For the entire observation, Student's expressive language, pragmatics, and functional communication was appropriate and effective in both classroom and outside settings.

Cantoni also observed Student for 20 minutes in the cafeteria during lunch. Student waited calmly and appropriately in the lunch line. She smiled, initiated conversation with nearby peers, and responded warmly when another peer approached her for a hug. Student demonstrated strong social language skills during the observation evidenced by her appropriate body language, eye contact, turn taking, and reciprocal conversations. She continued engaging positively with peers while in line, and interacted politely and respectfully with the lunch staff, when it was her turn to be served her meal.

Cantoni gathered information from Parent and Denise Howe, Student's second-grade general education teacher. Parent was concerned about Student's social-emotional challenges including recognizing social cues, appropriate voice volume, and ability to communicate when dysregulated. Howe reported Student was engaged in class, connected with peers, and adequately developed skills to engage peers, and to request help when needed. Howe provided intentional peer grouping, strategic seating, one-to-one check-ins, and visual, nonverbal, and written cues in the classroom. Howe reported Student demonstrated appropriate social communication, group interactions and collaboration with peers during classroom activities, with these supports.

Cantoni's written assessment findings were prepared by her and are contained within the December 9, 2025 eligibility evaluation report.

TESTING INSTRUMENTS WERE VALID AND RELIABLE

Cantoni administered valid and reliable standardized tests to assess Student's expressive, receptive, and pragmatic language skills. Throughout the assessment, Student required two to three-minute breaks, every five to 15 minutes. Student also

needed a token board to motivate her by showing her a visual of the tasks she completed and tasks yet to be completed due to Student's difficulty sustaining attention. Cantoni administered the Clinical Evaluation of Language Fundamentals, Fifth Edition, called CELF-5, to assess the areas of semantics, syntax, morphology, and memory. Student scored in the average range on all subtests, including sentence comprehension, word structure, formulated sentences, and recalling sentences.

Cantoni also administered the pragmatic language subtest of the Comprehensive Assessment of Spoken Language, Second Edition, called CASL-2, because the CELF-5 did not include a pragmatic language subtest. Student scored at the 65th percentile, in the average range, on the CASL-2 pragmatic language subtest. According to Cantoni, the score established Student's solid communications skills in her ability to use language appropriately in social situations, including understanding conversational rules, using context to guide responses, and interpreting nonliteral and implied meanings.

To probe deeper into Student's functional pragmatic language skills required in the school setting, Cantoni administered the Test of Problem Solving, Third Edition Elementary, Normative Update, called the TOPS-3E-NU, to assess Student's language-based critical thinking skills. This test looks at critical thinking abilities based on a student's language strategies using logic and experience. Student scored at the 21st percentile, which fell in the average range.

Cantoni assessed Student's articulation using the Goldman-Fristoe Test of Articulation, called the GFTA-3. This test provides intelligibility ratings and compares same-age, same-gender peers with visual stimuli appropriate to the student's age. Student's articulation was 100 percent intelligible. Student had a very slight issue with the "th" sound which Cantoni felt did not affect her intelligibility or her communication

in the classroom setting. Cantoni also conducted a cursory examination of Student's oral mechanisms, which appeared adequate for speech with regard to size, shape, and symmetry. Student's vocal quality, fluency, pitch, and nasal resonance were within normal limits.

Cantoni also collected informal speech and language samples of 72 utterances through Student's spontaneous conversation, and student's statements during testing and a brief story-telling activity. When Student displayed adequate attention, Student's language sample evidenced no concerns with

- morphology,
- semantic use,
- pragmatic language,
- fluency,
- voice or
- articulation.

At hearing, Cantoni confirmed that all standardized measures were selected and administered in compliance with the manufacturer's instructions, without deviation. Cantoni also established the assessment tools were valid and reliable for the purpose in which they were designed, and administered in a way to be culturally, racially, or sexually non-discriminatory. Cantoni did not rely on only a single measure. Cantoni observed Student in different settings. Cantoni's speech and language assessment of Student was comprehensive, probed all areas of communication, and yielded valid and reliable results indicating Student's average language capabilities across all areas of

receptive, expressive and pragmatic language, and articulation. As such, Cantoni concluded Student did not meet the criteria for speech and language impairment eligibility or services.

OCCUPATIONAL THERAPY ASSESSMENT

PETALUMA'S OCCUPATIONAL THERAPY ASSESSOR WAS QUALIFIED

Christina Armenta conducted Student's occupational therapy assessment as part of the December 9, 2025 multidisciplinary assessment. Armenta has held her national board occupational therapy certification and California occupational therapy licensure, since 2020. She earned her Master of Science degree in occupational therapy in 2019, and her Bachelor of Science degree in health and sciences in 2018. Armenta was an occupational therapist for Petaluma since August 2025. She was also an occupational therapist for a private occupational therapy clinic since November 2025.

Armenta has provided occupational therapy since December 2020, for various California schools and school districts. At Petaluma, she supported children in developing foundational sensory motor skills, functional independence in the educational setting, and meaningful participation in daily activities in the educational setting. Armenta conducted approximately 30 occupational therapy assessments per year to determine students' individual service needs and eligibility for occupational therapy services.

Furthermore, Armenta delivered Student's IEP occupational therapy services since August 2025. She was familiar with Student's disabilities based on her direct experience with Student and her participation in Student's IEP process, and considered them in her

assessment of Student. The evidence established Armenta was qualified to conduct Student's occupational therapy assessment based on her certification and licensure, education, training, and experience.

Armenta testified at hearing regarding her occupational therapy assessment of Student. Her testimony was accorded great weight as it evidenced her education, training, and experience as an occupational therapist, as well as her clear explanations, in plain terms, regarding her assessment findings and recommendations regarding Student's motor functioning and needs.

PETALUMA OBSERVED STUDENT AND GATHERED INFORMATION FROM PARENT AND TEACHER FOR THE OCCUPATIONAL THERAPY ASSESSMENT

Armenta interviewed Student's teacher Howe, and Parent, as part of her assessment. Howe informed Armenta that Student is very active, curious, and enthusiastic about her interests. Howe expressed concerns about Student's handwriting legibility, work-avoidance behaviors, and difficulty maintaining interest in tasks. Howe was also concerned about Student's ability to complete tasks, and to remain with the group. Howe informed Armenta that Student needed regular and predictable routines, a visual schedule, and preferential and intentional seating. Howe also recommended Student receive checks for understanding

- visual check-ins,
- silent signals for work initiation and basic needs for restroom and water,

- ready-to-go signals,
- thumbs-up checks,
- fist-to-five rating system, and
- individual check-ins.

Parent informed Armenta that Student receives services in the home, including eating therapy, neurofeedback, and daily behavior support. Student also enjoyed gymnastics as an extracurricular activity. Parent shared concerns about Student's learning and overall school experience. She is concerned that Student may have dysgraphia, possibly other learning needs, and is experiencing increasing math difficulty. Parent expressed her opinion that Student's autism is not being fully considered in the school setting and that Student's masking of her disabilities throughout the day make it harder to concentrate. Parent also had concerns about Student's anxiety, challenges with social skills and interpreting social cues, all impacting her ability to focus and keep up academically. Lastly, Parent had concerns regarding toileting accidents resulting in Student staying in wet clothing after recess affecting her comfort and ability to concentrate. Parent is seeking school staff to have a more comprehensive understanding of Student's needs.

Armenta conducted a 20-minute classroom observation of Student. The observation occurred during a whole-group carpet read-aloud activity following recess. The class had 19 students and one teacher. Students were free to move as needed for comfort, and eat and drink their snacks during the activity. Student retrieved a snack, opened the packaging independently, and walked out briefly to get her water bottle and

fill it at the fountain inside the classroom. Student was able to independently navigate the classroom safely and assume a variety of gross motor positions without difficulty. However, Student frequently used her arms to prop her head or body for support.

Armenta included a description of Student's behavior during a 60-minute test session immediately following recess, and a 20-minute session on another day, in her portion of the December 9, 2025 eligibility evaluation report. Student frequently commented on the difficulty or ease of tasks, expressed when she was not good at a particular task, and demonstrated difficulty sitting without back and leg support to prevent slouching. Student inconsistently used her non-dominant hand to stabilize her paper when drawing and instead used her arm or hand for head support. Overall, Student was friendly, curious and motivated to complete tasks, choosing a five-minute activity to engage in once the session was completed. Student did not require breaks or incentives during a session to increase participation. She was able to follow standardized instruction successfully. When allowed to eat or drink during the test session, Student independently navigated insertion of a straw in her drink pouch and opening and closing her food containers.

TESTING INSTRUMENTS WERE VALID AND RELIABLE

Armenta administered valid and reliable tests to assess Student's gross and fine motor skills. Armenta administered the Bruininks-Oseretsky Test of Motor Performance, Third Edition, called BOT-3. The upper limb coordination subtest of the BOT-3 was administered to assess Student's gross motor skills which involve movement of the large muscles in the arms, legs, and body. Students require sufficient gross motor skills to engage in age-appropriate activities such as running, climbing, throwing, walking in a

crowded room, and sitting still during class. Student scored in the well-below average range. Armenta's detailed observations of Student's difficulty stabilizing her head and trunk when sitting during classroom activities and test sessions are consistent with Student's gross motor score.

To assess Student's fine motor skills, Armenta administered three fine motor subtests of the BOT-3. First, was the fine motor precision subtest, which measures a student's ability to precisely control finger and hand movements by looking at how a student remains within a boundary, such as coloring within a shape, drawing a line through a visual path, connecting dots, folding paper and cutting out a circle. Student scored in the average range for this subtest.

Next, she administered the fine motor integration subtest, which measures a student's ability to integrate visual stimuli with motor control through reproducing drawings of various geometric shapes ranging from a simple circle to a three-dimensional cube, as accurately as possible. Student scored in the well below average range on this subtest.

Lastly, Armenta administered the manual dexterity subtest which measures a student's ability to quickly and accurately perform fine motor tasks using both hands together through tasks such as picking up tokens and placing them in a box, sorting cards, stringing beads, etc. Student scored in the average range on this subtest. Armenta observed Student to determine her hand dominance and grasp. Student is right hand dominant and demonstrated an appropriate grasp and skills to control writing instruments with appropriate wrist and forearm position. Overall, Student's standardized fine motor assessment results and clinical observations indicate Student's fine motor skills continue to be an area of need.

Armenta assessed Student's visual perceptual and visual motor skills by administering the Beery-Buktenica Developmental Test of Visual-Motor Integration, Sixth Edition, called VMI. These skills determine a Student's ability to use visual information to recognize, recall, discriminate, and make meaning of what is seen. The visual perception system combines with the visual motor system for visual motor coordination, which combines with fine motor skills for writing and drawing. Student scored in the low range on the visual motor subtest and in the below average range on the visual perception subtest. Armenta found Student's scores in the areas of visual motor and visual perceptual skills indicate these are areas of Student's need.

To assess Student's handwriting, Armenta administered the Wold Copying Test, a timed test that required Student to read a 29-word paragraph and then to legibly copy the paragraph within the time allowed. After a brief attempt, Student stated the test was too hard, and Armenta stopped the test. Student wrote nine words in one minute and 25 seconds. Student's results could not yield a valid score. Armenta concluded that Student's response to this test is consistent with her scores on the other visual motor/visual perceptual measures in that she struggles with reproducing fine motor tasks as they increase in complexity. Although Student began the Wold copying task with effort and engagement, she became increasingly overwhelmed as she continued, ultimately needing to stop the task. This suggested to Armenta that longer writing tasks or activities requiring Student to produce or copy a large amount of information can become taxing and overwhelming as the demand is greater than what Student can currently manage, given her skill development.

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Armenta administered the Sensory Profile-2, called SP-2, School Companion, which measures a student's sensory processing abilities and their effect on a Student's functional performance in the classroom and school environment. It is administered in the form of a rating scale completed by a student's teacher. Howe, Student's general education teacher, completed the ratings. Student scored in the category of "more than others" in three of four areas including seeking/seeker, avoiding/avoider, and sensitivity/sensor. Student scored "much more than others" in the area of registration/bystander. These results indicate Student

- is more interested in sensory experiences than other students,
- is more likely to be overwhelmed by her sensory experiences than other students,
- detects more sensory cues than other Students, and
- misses many more sensory cues than other students.

This information can assist Student to understand her differences and advocate for strategies to assist her to focus in the classroom.

At hearing, Armenta confirmed that all standardized measures were selected and administered in compliance with the manufacturer's instructions, without deviation. Armenta also established the assessment tools were valid and reliable for the purpose in which they were designed, and administered in a way to be culturally, racially, or sexually non-discriminatory. The evidence established Armenta's assessment of Student was comprehensive as it assessed all occupational therapy areas, including gross, fine, visual, sensory motor and sensory perceptual, to enable her to get a complete picture of Student's motor functioning at school. Although the Wold test did not yield valid results, Student's response to the test provided relevant information further indicating

her need for fine motor intervention. Armenta did not only rely on a single measure in making her findings and recommendations for Student. Armenta's written assessment findings were prepared by her and are contained within the December 9, 2025 eligibility evaluation report.

PSYCHOEDUCATIONAL ASSESSMENT

PETALUMA'S ASSESSORS WERE QUALIFIED TO CONDUCT THE PSYCHOEDUCATIONAL ASSESSMENT

Raina Allair, Student's special education resource teacher and case manager, since Student's kindergarten year, performed Student's academic assessment as part of the December 9, 2025, eligibility evaluation and testified at hearing. Allair had a California Education Specialist Early Childhood Special Education Instruction Credential. She also had a dual master's degree in early childhood general and special education, a bachelor's degree in liberal studies, and an associate's degree in child development.

Allair was employed with Petaluma as an educational resource specialist since December 2020, and conducted approximately 10 to 15 academic assessments each year. She was trained in the administration of academic assessments through her educational specialist intern credential program and through Petaluma. Petaluma established, based on Allair's credentials, education, and experience, Allair was knowledgeable of Student's disability and trained and qualified to conduct Student's academic assessment.

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Allair's testimony at hearing was clear, thorough, and provided thoughtful explanations when questioned by Petaluma's counsel and Parent regarding her assessment results and conclusions. Accordingly, her testimony was credible and accorded great weight.

School psychologist Michelle Hyland conducted Student's psychological assessment. Hyland was familiar with Student as she conducted a prior psychological assessment of Student in 2024. Hyland also provides Student's educationally-related mental health counseling, including push-in services in both the general education and special education classrooms. Hyland was therefore familiar with Student's disabilities, and school-related strengths and weaknesses.

Hyland held a pupil personnel service credential, and is currently working toward a licensed educational school psychologist certificate, with expected completion in 2027. Hyland earned an education specialist degree in school psychology and school-based mental health in 2022; a Master of Arts degree in education, school psychology in 2021; a Bachelor of Arts degree in psychology with an emphasis in child development in 2014; and an associate degree in psychology in 2012. Hyland has been a school psychologist with Petaluma since July 2023. Before joining Petaluma, she was a school psychologist for Sonoma Valley Unified School District from August 2022 to June 2023.

Hyland has administered approximately 50 to 70 psychoeducational assessments per year with Petaluma. The evidence established Hyland was trained and qualified to perform Student's psychoeducational assessment.

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Hyland's testimony was clear, thoughtful, logically consistent and patient, and reflected her education, training, and experience as a school psychologist. Her answers to questions reflected her familiarity with Student, and her recommendations regarding Student's special education eligibility were explained in detail and consistent with Student's assessment scores on multiple measures. Accordingly, Hyland's testimony was credible and accorded great weight.

PETALUMA REVIEWED RECORDS, AND CONDUCTED INTERVIEWS AND OBSERVATIONS FOR THE PSYCHOEDUCATIONAL ASSESSMENT

As Student's special education resource teacher and case manager, Allair observed Student in her general education class on numerous occasions. Other than direct testing observations, no formal observation was conducted by Allair as part of her academic assessment, as Hyland conducted the observations for the psychoeducational evaluation. Allair was familiar with Student's attention and need for occupational therapy supports, as well as Student's recent autism diagnosis and Parent's autism-related concerns at school. Allair understood Parents' academic concerns to include Student's ability in the areas of writing and math. Therefore, Allair was familiar with Student's disabilities and considered these in her assessment.

Allair assessed Student over four, 15 to 40-minute sessions. During the assessment, Student put forth her best effort, was engaged and cooperative. However, Student exhibited notable signs of distraction and work avoidance at times. Student utilized a weighted "lap buddy", a sensory tool to help her remain calm and engaged. Allair also provided Student scheduled breaks and prizes at the completion of each session to motivate and keep Student engaged.

The December 9, 2025 psychoeducational evaluation included Hyland's extensive review of Student's school, medical, and regional center evaluations, and nine IEPs from May 30, 2023, to September 12, 2025. Hyland gathered background information including Student's educational, health, development, and medical history. As part of the December 9, 2025 psychoeducational evaluation, Hyland gathered information from Parents, general education teacher Howe, and Student.

Parent shared Student's reading skills were a strength. Parent also conveyed Student was working on building and maintaining friendships, and growing in her ability to compromise and share with peers. Parent communicated recent stressors including the passing of Student's grandfather and a recent diagnosed eating disorder. Despite progress reports that showed Student was progressing academically, Parent was concerned Student was falling behind, particularly in writing and math.

Howe's feedback regarding Student included the following:

- able to take direction and engage positively in most classroom activities;
- benefits from short, focused work periods and is still developing the stamina needed for sustained tasks;
- struggles with task initiation and work completion when compared to her peers;
- strong reader, meeting or exceeding reading benchmarks;
- Math is an area of need, understands math concepts, but shows resistance when required to apply the concepts, and shows gaps in foundational number sense;

- writing is weak but it is more of a motor issue rather than an inability to get her ideas out, but needs to expand on ideas beyond a basic level;
- has one close friend in class, is well-liked by peers, cooperative group work remains an emerging skill, working on her collaborative play skills similar to typical second graders.

As for Student's input, Student shared enjoying seeing her sister on weekends. She also shared she enjoyed school, except math, which she reported as boring.

In addition to observing Student when Hyland counseled her, Hyland conducted formal observations of her in the special education math class and general education class. Hyland also observed Student during recess on two separate days. She conducted the observations for the psychoeducational evaluation to observe whether Student was able to:

- focus on instruction,
- stay on task,
- raise her hand appropriately,
- follow directions,
- independently initiate tasks,
- interact with her peers, and
- participate in activities.

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During Student's math class, Student almost immediately raised her hand to request a break, transitioned back after her timed break was over, and, with encouragement, was observed to extend her time on task before taking another break. In the general education class Student was more engaged and appropriately interacted with her peers.

During one recess observation Student engaged in a lot of imaginative play with peers pretending to be cats with jump ropes who lived in cat houses. During another recess, Student was playing with one or two peers when other peers came along to join them. Student appropriately navigated the changing play group while continuing to interact with her peers.

During testing, Student was observed to perform well. Student sat on a yoga ball during testing which allowed her to move and stay engaged. Hyland allowed her to sit on a yoga ball when it was permitted by the test protocol. She was observed to become more fatigued when asked to remain seated when required by test protocol. Student was more focused when allowed movement activity or different positioning such as laying on couch. Hyland observed Student to become avoidant when presented with difficult tasks or when Student is not confident in her ability to do well on a task.

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THE TESTING INSTRUMENTS WERE VALID AND RELIABLE

ACADEMIC ACHIEVEMENT

Allair used the Wechsler Individual Achievement Test, Fourth Edition, called WIAT-4, to evaluate Student's

- listening,
- speaking,
- reading,
- writing, and
- math skills.

The WIAT-4 was a highly reliable, widely used, individually administered test instrument designed to assess students in pre-kindergarten through grade 12.

In reading, Allair administered subtests for

- word reading,
- reading comprehension,
- pseudoword decoding,
- oral reading, and
- orthographic fluency.

Student's scores in all reading subtests ranged from average to extremely high.

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In writing, Allair administered subtests for spelling, sentence composition, alphabet writing fluency, and sentence writing fluency. Student's scores ranged from average to high average. Allair's assessment established Student's writing skills sufficient to be a successful writer, in terms of written expression and writing fluency, in school.

In math, Allair administered subtests for math problem solving, numerical operations, math fluency-addition, and math fluency-subtraction. Student did not complete problems involving multi-digit addition and subtraction. Student's scores ranged from low average to average. Lastly, in language processing, which includes oral language, phonological processing, and orthographic processing, Student scored in the average to high average range.

Student's total achievement standard score was 107, at the 68th percentile, in the average range, which is similar to the performance of Student's same-age peers. Student exhibited notable strengths in the areas of word reading and receptive vocabulary.

Math was an area of relative weakness. Student's composite score of 87 fell in the low average range, just three points below average.

Allair confirmed that all standardized measures were selected and administered in compliance with the manufacturer's instructions, without deviation. Allair also established the assessment tools were valid and reliable for the purpose in which they were designed, and administered in a way to be culturally, racially, or sexually non-discriminatory. Allair's assessment of Student was comprehensive as it assessed all academic areas to enable her to get a complete picture of Student's academic capability

and did not rely on only a single measure. Allair's testimony and assessment results were consistent with Allair's experience as Student's resource teacher and informal observations of Student.

INTELLECTUAL FUNCTIONING

Hyland administered part of the Wechsler Intelligence Scale for Children, Fifth Edition, to assess Student's overall intellectual functioning. This is a highly-rated and widely-used standardized measure of students' intellectual functioning in the areas of

- verbal comprehension,
- visual spatial,
- fluid reasoning,
- working memory, and
- processing speed.

Hyland has received specific training in the administration of this test. The regional center administered the Wechsler Intelligence Scale for Children in July 2025, less than a year from Hyland's testing. Therefore, Hyland could not re-administer some of the same tests because doing so was prohibited by the test protocols. Instead, Hyland relied on the subtest scores obtained through the July 2025 testing, along with the scores she obtained through her own administration of the other subtests. The completed subtest scores of Hyland and regional center give a complete picture of Student's intellectual functioning.

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Student's performance on the Wechsler Intelligence Scale for Children showed her verbal comprehension skill was in the high average range, consistent with her reported strength in reading. Student's fluid reasoning composite score was in the average range. Student's visual spatial functioning, fluid reasoning, and processing speed composite scores were in the low average range. Student's full-scale intelligence quotient was in the average range. Student's scores on the visual spatial, fluid reasoning, and working memory subtests varied, which Hyland indicated could be related to Student's difficulty maintaining attention and struggles with visual memory. Hyland opined that the variation in scores was common for students with attention and executive functioning deficits. Hyland explained that Student's cognitive functioning is in the low average to average range, compared to her same-aged peers.

Hyland administered the Developmental Neuropsychological Assessment-II social perception battery to probe autism due to Student's autism diagnosis. Student scored in the high average range on the affect recognition subtest which measures a student's ability to recognize emotions when given photographs of children's faces. Student scored in the average range on the theory of mind subtest which measures a student's ability

- to understand mental functions such as
 - belief,
 - intention,
 - deception,
 - emotion,

- imagination, and
- pretending,
- to understand that others have their own thoughts, ideas, and feelings, that may be different from one's own,
- to understand how emotion relates to social context, and
- to recognize the appropriate affect given various social contexts.

These scores indicate Student is able to recognize facial cues and emotions at a very high level, and her social cognition or ability to make inferences given social situations, is solid and at a level expected for a typical second-grade student.

SOCIAL-EMOTIONAL AND BEHAVIORAL FUNCTIONING

Hyland administered the Behavior Assessment System for Children, Third Edition to assess Student's social-emotional and behavioral difficulties. Observed behaviors relating to externalizing problems, internalizing problems, school problems, and adaptive skills are rated by familiar reporters. Howe and Parent, each completed the ratings. Parent's ratings included an F index score in the caution range which may indicate elevated concern, possible over-reporting of problems, or highly distressed perceptions of Student's functioning. While Parent ratings can still provide useful information, they should be interpreted with caution and considered alongside teacher reports, direct assessment data, and observations.

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Both Parent's and Howe's ratings were in the clinically significant range in the areas of anxiety, somatization, and internalizing problems. Both Parent's and Howe's ratings were in the "at risk" range in the areas of depression, and adaptability. Areas where Howe rated Student's behavior "similar to peers", and Parent rated Student clinically significant, were functional communication and adaptive skills. These discrepant ratings reflect student's behavior in school and in the home, with home being more severe. Howe's testimony established that the school-home discrepancies may be related to different environmental demands, structure, or other factors.

Hyland administered the Connors, Fourth Edition, assessment to measure observed behaviors associated with attention deficit hyperactivity disorder, across settings. Howe and Parent each completed the ratings. Again, Parent's ratings yielded a negative impression index score which suggests a tendency to rate behaviors in an overly negative manner. Parent scores should therefore be interpreted with caution and understood in the broader context of teacher input, direct assessment data, and observations. Parent rated Student in the clinically significant range in all areas. Both Parent's and Howe's ratings were very elevated in the areas of inattention and executive functioning, and schoolwork, but teacher ratings indicated Student's behaviors did not negatively impact her peer relations in school.

Parent and teacher ratings were also very elevated for items correlated with the Diagnostic and Statistical, called DSM, Manual, for the diagnosis of attention deficit hyperactivity disorder, inattentive symptoms. Howe rated student as "similar to peers" in the areas of

- impulsivity,
- emotional regulation,

- depressed mood,
- anxious thoughts,
- peer interaction,
- DSM oppositional defiant disorder symptoms, and
- conduct disorder symptoms.

Overall, test results from the Connors show that Student's behavior in the school setting significantly affects Student's executive functioning, attention, and withdrawal. The results of the Connors were consistent with Student's diagnosis of attention deficit hyperactivity disorder.

AUTISM

Hyland administered the Autism Spectrum Rating Scale to measure observed behaviors associated with autism spectrum disorders. Howe and Parent completed the ratings. Both Howe's and Parent's ratings were in the very elevated range for attention. Howe rated Student in the elevated range for self-regulation. Elevated scores in the areas of attention and self-regulation are common to students with attention deficit hyperactivity disorder.

Parent's scores were in the very elevated range for most areas with the exception of behavior rigidity and stereotypy. Howe's ratings were in the "similar to peers" range for

- social communication,
- unusual behavior,
- social-emotional reciprocity,

- atypical language,
- stereotypy,
- behavioral rigidity, and
- sensory sensitivity.

Howe rated Student in the slightly elevated range for peer and adult socialization. These ratings indicate Student's autism related behaviors are more pronounced in the home setting than are observed at school. Howe's testimony established this may be explained by

- environmental demands,
- structure and predictability,
- routine,
- sensory load, and
- how a student expresses distress in different relationships.

Overall, teacher ratings on the autism rating scales indicate Student has slightly elevated behaviors similar to behaviors of youth with an autism spectrum disorder. However, Student's most elevated autism related behaviors at school are also common to Student's with attention deficit hyperactivity disorder.

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ADAPTIVE BEHAVIOR

Hyland administered the Vineland Adaptive Behavior Scales, Third Edition, to measure Student's adaptive behavior necessary to live independently and to function safely and appropriately in daily life. Adaptive behaviors include real life skills such as

- grooming,
- dressing,
- safety,
- safe food handling,
- school rules,
- ability to work,
- money management,
- cleaning,
- making friends,
- social skills, and
- personal responsibility.

Again, Parent and teacher Howe completed the rating scales. Parent ratings indicate significantly low adaptive functioning overall. Howe's ratings in the communication, interpersonal relationships, and gross motor were all "similar to peers". Teacher rated Student moderately low in the areas of

- play and leisure,
- coping,

- personal,
- school community, and
- fine motor.

Student's areas of weakness appear more pronounced in the home, particularly in the area of daily living skills, emotional regulation, and coping. Student demonstrates more functional independence in the structured school environment, especially in communication, classroom routines, and peer interactions. These differences may reflect variations in environmental structure, expectations, available support, and demands.

Hyland's testimony established that all standardized measures were selected and administered in compliance with the manufacturer's instructions, without deviation. Her testimony also established the assessment tools were valid and reliable for the purpose in which they were designed, and administered in a way to be culturally, racially, or sexually non-discriminatory. Hyland observed Student as part of the evaluation. Hyland's assessment was comprehensive as it assessed all areas of suspected disability, namely, specific learning disability, autism, and other health impairment.

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THE WRITTEN SPEECH AND LANGUAGE, OCCUPATIONAL THERAPY,
AND PSYCHOEDUCATIONAL ASSESSMENT REPORTS WERE
APPROPRIATE AND THE ASSESSMENTS TIMELY

Hyland compiled the results of her assessment, Allair's academic achievement assessment, Cantoni's speech and language assessment, and Armenta's occupational therapy assessment, and presented the assessors' findings, conclusions, and recommendations in the December 9, 2025 eligibility evaluation report. The December 9, 2025 psychoeducational, speech and language, and occupational therapy assessment reports presented necessary findings and explanations to determine Student's special education and related service needs.

Armenta's occupational therapy assessment report concluded Student's test scores showed Student had good functional mobility and general gross motor skills. Test results also indicated Student had deficits in

- postural control,
- upper-limb coordination,
- fine motor skills,
- visual motor coordination,
- visual perceptual skills, and
- sensory processing.

These deficits impacted her ability to access her educational program and to successfully participate in her school day. Armenta recommended in her report Student continue to receive occupational therapy services.

Cantoni's speech and language assessment report concluded Student's assessment results did not support Student's eligibility or need for speech and language services under the eligibility category of speech and language impairment. Her assessment results -all indicating Student's scores in the average range -were detailed in the December 9, 2025 eligibility determination report.

Hyland's psychoeducational evaluation results, including Allair's academic assessment and her own psychological assessment were incorporated in the December 9, 2025 written eligibility evaluation report. Based on academic and psychological testing, Student demonstrated clear strengths in reading, language skills, social motivation, and imaginative peer play. Her cognitive and academic testing shows significant strengths in reading and oral language with word reading in the extremely high range and reading comprehension in the high average range. Writing skills were in the average range, while math remains an area of relative need, with Student's performance in the low average range across math composites.

Student's adaptive functioning shows a notable contrast between home and school, with significantly low Parent ratings and below average but functional adaptive skills observed at school. Classroom observations indicate Student benefits from structured supports, flexible seating, and movement opportunities to maintain engagement, and Student is capable of sustained participation with breaks and adult prompting.

Overall, Student's behavioral rating scales, interviews, and observations support a profile consistent with attention deficit hyperactivity disorder related attention and self-regulation challenges which impact Student' learning stamina, task initiation, and independence in the school environment. Parent's significant concerns as reflected in

interviews and rating scales regarding Student's social, emotional, and sensory functioning across domains, are not demonstrated consistently at school. Student demonstrates age-appropriate social communication, reciprocal play, and positive peer interactions.

Based on Hyland's professional training and experience, and the psychoeducational evaluation results, Hyland considered Student's eligibility under specific learning disability, other health impairment, and autism. Hyland recommended eligibility under other health impairment due to Student's chronic attention and executive functioning difficulties that adversely impact Student's educational performance.

Hyland opined Student's assessment results did not support Student's eligibility for special education under specific learning disability because Student did not demonstrate a severe discrepancy between her intellectual ability and academic achievement. Specifically, Student's overall cognitive composite scores and overall academic achievement scores were in the low average to high average range. At hearing, Hyland opined Student's assessment results demonstrated that she would not have met the eligibility criteria for a specific learning disability based on either the severe discrepancy model or a pattern of strengths and weaknesses model, promoted by Parent. In response to Parent's concerns that Student's cognitive ability was actually lower than scores indicated because Student's verbal scores artificially elevated her full-scale score, Hyland opined that a lower cognitive score would actually bolster the non-indication of a specific learning disability.

Hyland also did not recommend Student's eligibility under autism based on teacher rating scales, direct assessment, including speech and language tests of pragmatic language and the Developmental Neuropsychological Assessment, and

classroom observations. Hyland found insufficient data to support a finding that Student's autism was impacting Student's performance at school. Hyland instead found attention deficit hyperactivity disorder better accounted for Student's difficulties at school. Although Parent strenuously disagreed with Hyland's eligibility recommendations as contrary to assessment data, the question of eligibility is beyond the scope of this hearing. As noted, the entire IEP team determines eligibility, not the assessor or assessors. (20 U.S.C. § 1414(b)(4)(A); 34 C.F.R. §§ 300.305(a)(iii)(A)(2006); 300.306(a)(1)(2017).)

Hyland's eligibility evaluation report contained specific recommendations for Student's educational programming based on the results of Student's December 9, 2025 assessments. Recommendations included

- specific attention and regulation supports,
- executive functioning supports,
- targeted math intervention,
- writing supports, and
- home-school collaboration.

Petaluma timely presented the assessments at an IEP team meeting. On December 9 and 19, 2025, Petaluma convened IEP team meetings to review the results of the assessments. Petaluma provided Parent a copy of the December 9, 2025 eligibility evaluation report, via email, a few days before the December 9, 2025 IEP team meeting.

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The December 9, 2025 IEP team meeting to review the multidisciplinary assessment was timely held within 60 days from Parent's September 18, 2025 written consent to assess, accounting for a three-week school vacation from September 26, 2025, through October 20, 2025. (Ed. Code, § 56043, subd. (f)(1).) Due to time constraints, a second IEP team meeting was convened.

On December 19, 2025, the IEP team met for a part two IEP team meeting to continue the December 9, 2025 assessment review and recommendations regarding special education eligibility. Due to time constraints the IEP team agreed to reconvene for a part three IEP.

PETALUMA TIMELY FILED A REQUEST FOR DUE PROCESS HEARING IN RESPONSE TO PARENT'S REQUEST FOR AN INDEPENDENT EDUCATIONAL EVALUATION

On January 10, 2026, prior to a third IEP team meeting to complete the review of the December 9, 2025 eligibility evaluation report, Parent requested an independent educational evaluation at public expense due to Parents' disagreement with the eligibility determinations and appropriateness of assessments in Petaluma's December 9, 2025 eligibility evaluation report. Parent requested Petaluma either file for due process or fund the requested independent educational evaluation, without delay. In the request, Parent acknowledged the IEP process was not completed but explained the request was made because Parents' disagreement was clear.

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Between January 10, and February 18, 2026, in response to Parent's expressed concerns, Special Services Director Sarah Schafer directed school psychologist Hyland, to meet with Parent on two occasions to understand and address Parent's concerns regarding the assessments.

On January 22, 2026, Director Schafer provided Parent prior written notice denying Parent's request for Petaluma to fund an independent educational evaluation. The January 22, 2026 prior written notice stated the request was premature because the IEP team had not completed its review of the December 9, 2025 eligibility evaluation report, and the assessment report could be amended following the upcoming IEP team meeting discussions.

On February 18, 2026, after failed collaborative attempts by Petaluma to allay Parent's assessment concerns, Director Schafer sent Parents prior written notice declining Parent's request for an independent educational evaluation at public expense, and informing Parent of Petaluma's decision to request a due process hearing to defend its December 9, 2025 multidisciplinary assessment.

On March 2, 2026, Petaluma filed its request for a due process hearing in this matter. The timing of Petaluma's due process request was reasonable. Petaluma initially responded to Parent's January 10, 2026 request by explaining that it considered Parent's request premature until Parent's concerns could be flushed out thoroughly with IEP team input. The team was in the middle of the IEP process and actively communicating with Parent to understand Parent's assessment concerns and provide any needed explanations. It was not until Parent renewed her request for an independent educational evaluation, despite Petaluma's numerous collaborative efforts, that Petaluma filed for due process,

before the IEP process was completed and the team concluded the assessment discussion, given the apparent impasse and lack of success in addressing Parent's voluminous concerns.

Accordingly, Petaluma complied with legal "fund or file without unnecessary delay requirements". (34 C.F.R. § 300.502(b)(2) (2006); Ed. Code, § 56329, subd. (c).) Parent's suggestion, otherwise, is rejected as unpersuasive.

STUDENT'S CHALLENGES TO THE ASSESSMENTS

Parent testified at hearing. Parent read a 21-page narrative to convey her concerns and disagreement with Petaluma's December 9, 2025 eligibility evaluation. Parent essentially disagreed with the evaluation eligibility conclusions based on her dispute regarding the methodology used by Hyland, the interpretation of the assessment data, and the failure to synthesize the assessment data across domains.

However, Parent is not trained or qualified to render such opinions and Parent failed to present any expert testimony to support her claims. Furthermore, the appropriateness of Student's eligibility is not within the narrow issue determined in this matter, namely, the legal sufficiency of Petaluma's December 9, 2025 psychoeducational, speech and language, and occupational therapy evaluations.

Parent's suggestions that Petaluma's December 9, 2025 speech and language, occupational therapy, and psychoeducational evaluations' raw data was inconsistent or unreliable or that test protocol were not followed, is rejected as Parent failed to present any persuasive evidence to support her position. All assessors credibly testified that all assessments were administered according to test instructions, without variance.

Parent called Howe to testify at hearing regarding her completion of rating scales and feedback to assessors regarding Student. Howe has been a second-grade teacher for 22 years. Her testimony was forthright and responsive to Parent's numerous questions. Howe demonstrated a sincere, respectful, and helpful tone, and provided thoughtful responses which evidenced her knowledge of Student. Her ratings provided a window into Student's presentation in the classroom consistent with Student's known diagnoses and academic, behavioral, and motor strengths and weaknesses. For that reason, Howe's testimony was given great weight as to the accuracy and consistency of her ratings and input based on her knowledge of Student at the time of the assessment. Parent's suggestion otherwise is rejected as contrary to the evidence presented at hearing.

Parent's contention that the assessment report lacked sufficient explanation as to Hyland's conclusion that Student did not meet the eligibility criteria under specific learning disability is rejected as contrary to the overwhelming evidence presented at hearing. The evidence established that Hyland explained the specific basis of her findings in her assessment report at the December 9, 2025 IEP team meeting and multiple meetings thereafter. The fact that Parent had to look at the actual test scores to understand Hyland's written conclusion that there was not a severe discrepancy between Student's cognitive ability and academic achievement does not render the assessment legally noncompliant.

Parent's claim that Hyland's eligibility recommendations were predetermined and erroneous is also rejected. Student's eligibility for special education is not within the narrow issue presented, namely whether the December 9, 2025 psychoeducational, speech and language, and occupational therapy, evaluations met all legal requirements. It is the

duty of the IEP team, not the assessor, to determine whether a student is eligible for special education and related services. (20 U.S.C. § 1414(b)(4)(A); 34 C.F.R. §§ 300.305(a)(iii)(A)(2006); 300.306(a)(1)(2017). Educational evaluations inform the IEP team decision, and recommendations by assessors may be rejected or accepted by the IEP team.

Furthermore, Parent presented no expert testimony that Hyland's use of the discrepancy model in the analysis of eligibility under specific learning disability, or assessment conclusions were faulty, erroneous, unjustified, or rendered her assessment legally noncompliant.

Lastly, Parent's contention that Hyland's reliance on discrepant teacher ratings as "similar to peers" as compared to Parent's ratings in the very elevated range, failed to consider Student's tendency to mask her disabilities in the school setting to fit in with her peers, and therefore rendered Hyland's evaluation invalid and unreliable, is rejected as unpersuasive. Parent failed to present any reliable or persuasive evidence to support Parent's masking theory, or to establish Hyland's standardized test results were unreliable.

In summary, the forgoing findings of fact, the testimony of all assessors at hearing, assessor's curriculum vitae and written reports admitted at hearing, established that all assessors complied with the following legal requirements for an appropriate assessment:

- All assessors were knowledgeable of Student's disability,
- All assessors selected tools and administered them in Student's native language, English, so as not to be racially, culturally or sexually discriminatory,

- The psychoeducational, speech and language, and occupational therapy assessments were sufficiently comprehensive to identify all of Student's special education and related service needs,
- All assessors used a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about Student, including information from Parents,
- All assessment tools were used for purposes for which the tools were valid and reliable,
- No assessor used a single procedure as the sole criterion for determining whether Student had a disability or in determining recommendations appropriate to Student;
- The psychoeducational, speech and language, and occupational therapy assessments included observations of Student in her educational environment,
- All assessors provided and administered assessment tools in the language and form most likely to produce accurate information on what Student knew and could do academically, developmentally, and functionally,
- All assessors administered the assessment tools pursuant to their publishers' instructions, without any deviation, and
- Each assessor produced a written report of their assessment that was included in the December 9, 2025 eligibility evaluation and given to Parents, that addressed whether Student needed special education and

related services. The report was given to Parent within 60 days of Parent consent to the assessment, and was also discussed at an IEP team meeting within 60 days of Parent consent to the assessment.

Petaluma sustained its burden of proof that the December 9, 2025 speech and language, occupational therapy, and psychoeducational evaluations met all legal requirements such that Parent is not entitled to an independent educational evaluation at public expense.

CONCLUSIONS AND PREVAILING PARTY

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

Petaluma's December 9, 2025 multidisciplinary assessment was appropriate such that Student is not entitled to an independent educational evaluation at public expense. Petaluma prevailed on the sole issue presented.

ORDER

1. Petaluma's December 9, 2025 speech and language evaluation met all legal requirements.
2. Petaluma's December 9, 2025 occupational therapy evaluation met all legal requirements.

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3. Petaluma's December 9, 2025 psychoeducational evaluation met all legal requirements.
4. Parent's requests for independent speech and language, occupational therapy, and psychoeducational evaluations at public expense 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.

RITA DEFILIPPIS

Administrative Law Judge

Office of Administrative Hearings