

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

PARENTS ON BEHALF OF STUDENT,

V.

TEMECULA VALLEY UNIFIED SCHOOL DISTRICT.

CASE NO. 2025120706

DECISION

AUGUST 28, 2026

On December 17, 2025, the Office of Administrative Hearings, called OAH, received a due process hearing request from Student, naming Temecula Valley Unified School District. On May 4, 2026, OAH granted Student's third motion to amend the due process hearing request, referred to as the third amended complaint. Administrative Law Judge Linda Dowd heard this matter by videoconference on June 23, 24, 30, and July 1, 2, and 7, 2026.

Parents represented Student. One parent attended all hearing days on Student's behalf, the other parent attended the hearing intermittently as their schedule allowed. Attorneys Jennifer Olivia and Cynthia Vargas represented Temecula Valley. Dr. Leticia Del Moral, Temecula Valley's Director of Special Education, attended all hearing days on Temecula Valley's behalf.

On July 7, 2026, at the parties' request, OAH continued the matter to July 31, 2026, for written closing briefs. On July 30, 2026, and again on August 6, 2026, OAH granted Student's requests to continue the matter to file a written closing brief, and continued the matter to August 10, 2026, for the parties to file written closing briefs. The record was closed, and the matter was submitted on August 10, 2026.

On June 17, 2026, Student filed an objection to the issues as described in the Order Following Prehearing Conference dated June 15, 2026. Specifically, Student requested to include a child find issue for Temecula Valley's failure to conduct a vision processing assessment. Student's request was granted, because the alleged failure to assess vision processing was also pled as a child find violation in the third amended complaint and listed in Student's prehearing conference statement. For clarity, the vision processing child find issues are listed as Issues 1c, 2c, and 3c. The Issues to be heard and decided were reorganized accordingly.

ISSUES

1. Did Temecula Valley deny Student a free appropriate public education, called FAPE, from December 17, 2023, through the end of the 2023-2024 school year, including extended school year 2024, by:
 - a. failing to offer appropriate placement and supports;
 - b. failing to conduct an assistive technology, augmentative and alternative communication, and vision processing assessment;

- c. failing in its child find obligation regarding the vision processing assessment;
- d. failing to offer meaningful goals;
- e. failing to offer an appropriate frequency and duration of related services in social skills, reading remediation, and vision therapy;
- f. failing to offer and/or implement an appropriately intensive reading, writing, and math program;
- g. failing to offer and/or implement appropriate positive behavioral interventions listed in the behavior support plan, special circumstance instructional assistance assessment, functional behavioral assessment, and Dr. Morris's recommendations;
- h. failing to timely hold an individualized education program, called IEP, team meeting;
- i. failing to timely assess and present assessment recommendations;
- j. failing to involve Parents in the IEP planning, data knowledge, and goal setting process; and
- k. failing to implement Student's IEP and specialized academic instruction with fidelity?

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2. Did Temecula Valley deny Student a FAPE during the 2024-2025 school year, including extended school year 2025 by:
- a. failing to offer appropriate placement and supports;
 - b. failing to conduct an assistive technology, augmentative and alternative communication, and vision processing assessment;
 - c. failing in its child find obligation regarding the vision processing assessment;
 - d. failing to offer meaningful goals;
 - e. failing to offer an appropriate frequency and duration of related services in social skills, reading remediation, and vision therapy;
 - f. failing to offer and/or implement an appropriately intensive reading, writing, and math program;
 - g. failing to offer and/or implement appropriate positive behavioral interventions listed in the behavior support plan, special circumstance instructional assistance assessment, functional behavioral assessment, and Dr. Morris's recommendations;
 - h. failing to timely hold an IEP team meeting;
 - i. failing to timely assess and present assessment recommendations;

- j. failing to involve Parents in the IEP planning, data knowledge, and goal setting process; and
 - k. failing to implement Student's IEP and specialized academic instruction with fidelity?
3. Did Temecula Valley deny Student a FAPE during the 2025-2026 school year, through May 4, 2026, by:
- a. failing to offer appropriate placement and supports;
 - b. failing to conduct an assistive technology, augmentative and alternative communication, and vision processing assessment;
 - c. failing in its child find obligation regarding the vision processing assessment;
 - d. failing to offer meaningful goals;
 - e. failing to offer an appropriate frequency and duration of related services in social skills, reading remediation, and vision therapy;
 - f. failing to offer and/or implement an appropriately intensive reading, writing, and math program;
 - g. failing to offer and/or implement appropriate positive behavioral interventions listed in the behavior support plan, special circumstance instructional assistance assessment, functional behavioral assessment, and Dr. Morris's recommendations;

- h. failing to timely hold an IEP team meeting;
- i. failing to timely assess and present assessment recommendations;
- j. failing to involve Parents in the IEP planning, data knowledge, and goal setting process; and
- k. failing to implement Student's IEP and specialized academic instruction with fidelity?

JURISDICTION

This hearing was held under the Individuals with Disabilities Education Act, referred to as the IDEA, its regulations, and California statutes and regulations. (20 U.S.C. § 1400 et. seq.; 34 C.F.R. § 300.1 (2006) et seq.; Ed. Code, § 56000 et seq.; Cal. Code Regs., tit. 5, § 3000 et seq.) The main purposes of the IDEA are to ensure:

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

The IDEA affords parents and local educational agencies the procedural protection of an impartial due process hearing with respect to any matter relating to the identification, assessment, or educational placement of the child, or the provision of a FAPE to the child. (20 U.S.C. § 1415(b)(6) & (f); 34 C.F.R. § 300.511; Ed. Code, §§ 56501,

56502, and 56505; Cal. Code Regs., tit. 5, § 3082.) The party requesting the hearing is limited to the issues alleged in the complaint, unless the other party consents, and has the burden of proof by a preponderance of the evidence. (20 U.S.C. § 1415(f)(3)(B); Ed. Code, § 56502, subd. (i); *Schaffer v. Weast* (2005) 546 U.S. 49, 57-58, 62 [126 S.Ct. 528, 163 L.Ed.2d 387]; and see 20 U.S.C. § 1415(i)(2)(C)(iii).) Student requested the hearing and therefore had the burden of proving the issues. The factual statements in this Decision constitute the written findings of fact required by the IDEA and state law. (20 U.S.C. § 1415(h)(4); Ed. Code, § 56505, subd. (e)(5).)

Student was 14 years old and completed eighth grade at the time of the hearing. Student resided within Temecula Valley's geographic boundaries at all relevant times. Student was eligible for special education services under the categories of autism and specific learning disability.

ISSUE 1a: DID TEMECULA VALLEY DENY STUDENT A FAPE FROM DECEMBER 17, 2023, THROUGH THE END OF THE 2023-2024 SCHOOL YEAR, INCLUDING EXTENDED SCHOOL YEAR 2024, BY FAILING TO OFFER APPROPRIATE PLACEMENT AND SUPPORTS?

Student contends the placement and supports Temecula Valley offered did not teach independent reading skills such as decoding, spelling, fluency, orthographic processing, or written expression. Student also contends he needed intensive reading instruction not accommodations, repetition, and adult support.

Temecula Valley contends it did not deny Student a FAPE. Temecula Valley argues Student met almost all his IEP goals and increased his reading fluency and comprehension, which showed he made progress in light of his unique circumstances.

A FAPE means special education and related services that are available to an eligible child that meets state educational standards at no charge to the parent or guardian. (20 U.S.C. § 1401(9); 34 C.F.R. § 300.17.) Parents and school personnel develop an IEP for an eligible student based upon state law and the IDEA. (20 U.S.C. §§ 1401(14), 1414(d)(1); and see Ed. Code, §§ 56031, 56032, 56341, 56345, subd. (a), and 56363, subd. (a); 34 C.F.R. §§ 300.320, 300.321, and 300.501.)

In general, a child eligible for special education must be provided access to specialized instruction and related services which are individually designed to provide educational benefit through an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. (*Board of Education of the Hendrick Hudson Central School Dist. v. Rowley* (1982) 458 U.S. 176, 201-204, (*Rowley*); *Endrew F. v. Douglas County Sch. Dist. RE-1* (2017) 580 U.S. 386, 402 [137 S.Ct. 988, 1000] (*Endrew F.*).

Special education consists of specially designed instruction that meets the unique needs of a child with a disability. (20 U.S.C. § 1401(29); 34 C.F.R. § 300.39; Ed. Code, § 56031.) When a student's behavior impedes the student's learning or the learning of others, the IEP team must consider positive behavioral interventions, supports, and strategies designed to address that behavior. (20 U.S.C. § 1414(d)(3)(B)(i); 34 C.F.R. § 300.324(a)(2)(i); Ed. Code, § 56341.1, subd. (b)(1).) Related services must be provided when necessary to enable a student to benefit from special education. (20 U.S.C. § 1401(26); Ed. Code, § 56363.)

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In California, “specific educational placement” is defined as “that unique combination of facilities, personnel, location, or equipment necessary to provide instructional services to an individual with exceptional needs,” as specified in the IEP. (Cal. Code Regs., tit. 5, § 3042, subd. (a).)

The adequacy of an IEP for a disabled student is measured at the time that it was created. (*Adams v. State of Oregon* (9th Cir. 1999) 195 F.3d 1141, 1149 (*Adams*); *Tracy N. v. Dept. of Educ., State of Hawaii* (D.Hawaii 2010) 715 F.Supp.2d 1093, 1112.) This evaluation standard is known as the “snapshot rule.” (*J.W. v. Fresno Unified School Dist.* (9th Cir. 2010) 626 F.3d 431, 439 (*J.W.*).

An IEP team meeting to review a student’s IEP must be convened at least annually, unless:

- The student has been reassessed,
- The student demonstrates a lack of anticipated progress, or
- The parent or teacher requests an IEP team meeting.

(Ed. Code, § 56343, subds. (a)-(d).)

Implementation of an educational program is an ongoing, dynamic activity. (*O’Toole v. Olathe Unified School Dist. No. 233* (10th Cir. 1998) 144 F.3d 692, 702.) However, a parent may not bring a due process claim challenging the appropriateness of an IEP that was created outside the statute of limitations, although the IEP document is in effect within the statute of limitations, as special education law does not recognize the doctrine of continuing violations as an exception to the two-year statute of limitations.

(*E.F. v. Newport-Mesa Unified School Dist.* (C.D.Cal., June 23, 2015, No. SACV 14–00455–CJC(RNBx)) 2015 WL 3867982, *8, fn. 6).) The statute of limitations in California is two years, consistent with federal law. (Ed. Code, § 56505, subd. (l); see also 20 U.S.C. § 1415(f)(3)(C).)

In California, a claim accrues when a parent learns of the underlying facts that form a basis for the action. (Ed. Code, § 56505, subd. (l).) A parent’s knowledge that a student’s education is inadequate is sufficient for the statute of limitations to begin to accrue. The statute of limitations begins to run when a party is aware of the underlying facts that would support a legal claim, not when a party learns that the act was wrong. (*M.M. & E.M. v. Lafayette Sch. Dist.* (N.D.Cal., Feb. 7, 2012, Nos. V 09-4624, 10-04223 SI) 2012 WL 398773, at pp. 17-19, *affd.* in part and *revd.* in part (9th Cir. 2014) 767 F.3d 842, 858-859.); *Avila v. Spokane Sch. Dist.* (9th Cir. 2017) 852 F.3d 936, 937, 945 (the IDEA’s statute of limitations barred claims that were filed more than two years after the time parents “knew or should have known” about the actions forming the basis of their complaint).)

Student was in sixth grade during the 2023-2024 school year. Student attended a Temecula Valley middle school in special education academic classes for students with mild to moderate disabilities, also referred to as mild to moderate special day classes for academics. Student had extra classroom support in the form of an aide for 1,590 minutes per week. From December 17, 2023, through May 29, 2024, Student’s operative IEP was the June 2, 2023 IEP, that is outside the two-year statute of limitations. Temecula Valley did not update Student’s IEP until Student’s next annual IEP team meeting on May 30, 2024.

The appropriateness of the placement and supports offered in the June 2, 2023 IEP is not at issue in this Decision. The offer Temecula Valley made at the June 2, 2023 IEP team meeting is outside the statute of limitations. Student did not challenge the statute of limitations or make any argument that the June 2, 2023 IEP was at issue in this case. Temecula Valley did not hold an amendment IEP team meeting or otherwise update Student's IEP until the next annual IEP team meeting on May 30, 2024.

Student did not present any evidence that anyone requested an IEP team meeting between December 17, 2023, and May 29, 2024, or that Temecula Valley reassessed Student triggering an IEP team meeting. Nor did Student present any evidence that anyone raised any concerns that Student's placement and supports were not appropriate during that time. Student failed to present any evidence that the placement and supports Temecula Valley offered Student between December 17, 2023, and May 29, 2024, were inappropriate.

THE MAY 30, 2024 IEP

Temecula Valley held Student's annual IEP team meeting on May 30, 2024, and developed a corresponding IEP. The last day of the 2023-2024 school year was June 7, 2024. Parent consented to the IEP in its entirety on August 8, 2024. The May 30, 2024 IEP offered Student placement in a public-school setting with 1,110 minutes weekly of specialized academic instruction in mild to moderate special day classes for academics through the end of the 2023-2024 school year. Starting August 14, 2024, for the 2024-2025 school year, the May 30, 2024, IEP continued to offer Student placement in a public-school setting with 870 minutes weekly of specialized academic instruction in

mild to moderate special day classes for math, English language arts, social studies, advisement, and intervention and 150 minutes weekly of specialized academic instruction support in general education science.

The May 30, 2024 IEP also offered Student 900 minutes yearly of language and speech in a separate setting and 480 minutes yearly of occupational therapy either in the language arts classroom or in a separate setting. The May 30, 2024 IEP further offered Student extra classroom support for 1,590 minutes per week in the form of an aide and eight hours of autism and applied behavior analysis training for the aide, and 13 additional supplementary aides, services, and other supports, specifically:

- a daily behavior chart sent home,
- frontloading changes to facilitate smooth transitions,
- movement breaks,
- preferential seating,
- access to sensory tools,
- verbal reminders for self-regulation prior to escalation,
- support for reading,
- support for writing,
- headphones for text to speech and speech to text,
- testing supports,
- occupational therapy consult with teachers,

- speech language pathologist consult with teachers, and
- reminders to fill out daily agenda with homework assignments.

Temecula Valley did not offer Student extended school year for 2024.

Aside from alleging Temecula Valley should have offered Student extended school year services, Student argued the placement and supports Temecula Valley offered were not sufficient to address his reading deficits. Student met six of his 10 previous goals and made substantial progress on three more. There was one goal, the spelling goal, where Student only made partial progress. Student's grades for the second semester of the 2023-2024 school year were As or Bs. Student did not argue he should have been in a different classroom setting or a more restrictive placement. Student's evidence focused mostly on reading intervention, or remediation, which is addressed in subsequent issues. Student used both terms reading intervention and reading remediation whereas Temecula Valley primarily used the term reading intervention. For clarity, aside from the issue statements, this Decision uses the term reading intervention.

Student contends he required extended school year services for summer 2024 because it took him longer than a typical student to readjust to school in the new school year. As evidence of this, Student pointed to his attendance records for the first few weeks of the 2024-2025 school year. Student missed the first day of the 2024-2025 school year because he was having a rough day, and he missed the beginning of the second day of the school year because he was having a rough morning. Parent explained during hearing that Student had a hard time readjusting to being back at school.

Consistent with federal regulations, California special education regulations require that extended school year services be provided for each student with exceptional needs who requires special education and related services in excess of the regular academic year. (34 C.F.R. § 300.106 (2006); Cal. Code Regs., tit. 5, § 3043.) A student needs extended programming if interruption of their educational programming may cause regression, rendering it impossible or unlikely that they will attain the level of self-sufficiency and independence that would otherwise be expected in view of their disabling condition. (*Ibid.*) The purpose of extended school year placement and services is to prevent regression and recoupment difficulties during the summer break. (*Letter to Myers*, U.S. Dept. of Ed., Office of Special Ed. Programs [OSEP] (Dec. 18, 1989).)

At the May 30, 2024, IEP team meeting, Temecula Valley did not recommend extended school year for Student because Student had not demonstrated deficits after returning to school from extended breaks. Student argues Temecula Valley failed to complete a documented regression recoupment analysis or compare pre and post school break data to support its recommendation. However, Student did not present any evidence that he regressed or that it took him longer to readjust to the new school year for the 2023-2024 school year, that would have demonstrated his need for extended school year services for summer 2024.

Aside from the first day and a half, Student did not have any other unexcused or unverified absences in the first six weeks of the 2024-2025 school year. However, even if Student's rough two days at the start of the 2024-2025 school year was evidence that Student required extended school year, that information was not available to Temecula Valley at the time the May 30, 2024 IEP was developed and offered.

Student failed to prove that the placement and supports Temecula Valley offered Student from December 17, 2023, through extended school year, denied Student a FAPE.

Temecula Valley prevailed on Issue 1a.

ISSUE 1b: DID TEMECULA VALLEY DENY STUDENT A FAPE FROM DECEMBER 17, 2023, THROUGH THE END OF THE 2023-2024 SCHOOL YEAR, INCLUDING EXTENDED SCHOOL YEAR 2024, BY FAILING TO CONDUCT AN ASSISTIVE TECHNOLOGY, AUGMENTATIVE AND ALTERNATIVE COMMUNICATION, AND VISION PROCESSING ASSESSMENT?

Student contends Temecula Valley failed to assess whether he required assistive technology because of the discrepancies between his listening and reading comprehension skills, and between his oral and written abilities. Student also contends previous assessment scores in processing speed, rapid naming, visual motor, reading, and writing concerns indicated he was at risk for a visual impairment which warranted a visual processing assessment. Student did not make any argument regarding augmentative and alternative communication.

Temecula Valley contends there was no evidence prior to Student's 2025 independent psychoeducational evaluation to suspect Student required any additional assessments. Temecula Valley contends Student's independent vision therapy assessor's testimony was not persuasive and Temecula Valley's school psychologist persuasively contradicted the opinion that Student required a vision processing assessment.

A local educational agency must assess a special education student in all areas of suspected disability, including if appropriate,

- health and development,
- vision,
- hearing,
- motor abilities,
- language function,
- general intelligence,
- academic performance,
- communicative status,
- self-help,
- orientation and mobility skills,
- career and vocational abilities and interests, and
- social and emotional status. (20 U.S.C. § 1414(b)(3)(B); 34 C.F.R. § 300.304(c)(4); Ed. Code, § 56320, subd. (f).)

A local educational agency must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information. (20 U.S.C. § 1414(b)(2)(A).) No single measure or assessment shall be the sole criterion for determining whether a child is a child with a disability. (20 U.S.C. § 1414(b)(2)(B); 34 C.F.R. § 300.304(b)(2); Ed. Code, § 56320, subd. (e).)

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Assessments must be sufficiently comprehensive to identify all of the child's special education and related service needs, whether commonly linked to the disability category of the child. (34 C.F.R. § 300.304(c)(6).) The local educational agency must use technically sound testing instruments that demonstrate the effect that cognitive, behavioral, physical and developmental factors have on the functioning of the student. (20 U.S.C. § 1414(b)(2)(C); 34 C.F.R. § 300.304(b)(3); Ed. Code, § 56320, subds.(e) & (f).)

A reassessment of a student shall be conducted if the local educational agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the pupil warrant a reassessment, or if the pupil's parents or teacher requests a reassessment. (34 C.F.R. § 300.303(a)(1) & (2); Ed. Code, § 56381, subd. (a)(1): *M.S. v. Lake Elsinore Unified School Dist.* (9th Cir. 2017) 678 Fed. Appx. 543, 544 (nonpub. opn.).) For a reassessment to occur within a year of the initial or annual assessment, the parties must agree it is necessary. (*Id.*; Ed. Code, § 56381, subd. (a)(1).)

A school district's failure to conduct appropriate assessments, or to assess in all areas of suspected disability, may constitute a procedural denial of a FAPE. (See *Park v. Anaheim Union High Sch. Dist.* (9th Cir. 2006) 464 F.3d 1025, 1031-1032.) 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 Sch. Dist.* (9th Cir. 2008) 541 F.3d 1202, 1210 [quoting *Amanda J. v. Clark County Sch. Dist.* (9th Cir. 2001) 267 F.3d 877, 894]; *Timothy O. v. Paso Robles Unified School Dist.* (9th Cir. 2016) 822 F.3d 1105, 1124 (*Timothy O.*).)

An assistive technology device is any piece of equipment that is used to increase, maintain, or improve the functional capabilities of individuals with disabilities. An assistive technology service is any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. (20 U.S.C. §§ 1401(1), (2); Ed. Code, § 56020.5.) A school district is required to provide any assistive technology device that is necessary to provide a FAPE to a child with a disability. (34 C.F.R. § 300.105; Ed. Code, § 56341.1, subd. (b)(5).) An IEP team must consider whether a child requires assistive technology devices or services. (20 U.S.C. § 1414(d)(3)(B)(v); 34 C.F.R. § 300.324(a)(2)(v); Ed. Code, § 56341.1, subd. (b)(5).) Augmentative and alternative communication, commonly called AAC, refers to all forms of communication outside of oral speech. Gestures, communications boards, pictures, symbols, and drawings are common AAC tools.

Temecula Valley conducted a multidisciplinary assessment for Student on August 9, 2022. Temecula Valley's multidisciplinary assessment included a health screening, cognitive assessment, social emotional behavioral assessment, and an adaptive behavior functioning assessment. The August 9, 2022 multidisciplinary assessment report also included a speech and language assessment, occupational therapy assessment, and an academic assessment. Temecula Valley did not conduct a separate assistive technology or AAC assessment or a separate vision processing assessment.

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The speech and language assessment addressed Student's communication needs, and the occupational therapy assessment addressed Student's fine motor skills, including his ability to type. The occupational therapy assessment also addressed Student's visual spatial skills and visual motor skills. The cognitive portion assessed Student's visual motor integration, visual perception, and motor coordination.

None of the assessors recommended any additional assessments but did recommend strategies that included access to a computer for written work. Student did not present any evidence that Parents requested any additional assessments after the August 9, 2022, multidisciplinary assessment. Additionally, Student did not present any evidence that anyone recommended any additional assessments from December 17, 2023, through the end of extended school year 2024.

Doctor Douglas Stephey, optometrist, conducted a vision therapy independent educational evaluation for Student in October 2025. Dr. Stephey also testified at hearing. Dr. Stephey is a Doctor of Optometry and has a master's degree in education. Dr. Stephey opined that Student's visual processing scores in Temecula Valley's August 9, 2022 multidisciplinary assessment report showed that additional visual processing testing should have been conducted. Dr. Stephey opined the testing dating back to 2015 showed the same low scores that should have triggered an assessment.

Dr. Stephey's testimony regarding when he reviewed Student's previous test results was contradictory. Dr. Stephey initially testified he reviewed the assessments during his assessment process for Student. However, later Dr. Stephey confirmed he received Student's previous assessment records a few weeks prior to the hearing and reviewed them in preparation for his testimony. Dr. Stephey is not a school psychologist

and had never assessed a child using the assessment tools Temecula Valley used in its assessments, nor was he qualified to administer the assessments. Therefore, he was not qualified to interpret the results of the tests and opine on their significance. Accordingly, Dr. Stephey's testimony that Student's previous assessment results indicated a need for a visual processing assessment was not persuasive.

School psychologist Melissa Batiuk conducted Temecula Valley's 2025 multidisciplinary assessment and testified that the assessment results did not indicate any further assessments were necessary. Batiuk had a bachelor's degree in psychology, a master's degree in school psychology, and seven years of experience as a school psychologist. Batiuk estimated she conducted over 400 assessments for Temecula Valley. Batiuk's testimony was clear, she answered questions fully and readily, and she remembered specific details about Student. Batiuk was able to explain test results, was qualified to administer the assessments, and her testimony was given significant weight. Batiuk reviewed the test results Dr. Stephey referenced during his testimony and persuasively explained that many of the 2022 test results for processing speed were average which would not trigger any further assessment.

Student failed to offer any persuasive testimony or documentary evidence to demonstrate an assistive technology, AAC, or vision processing assessment was required. Student did not prove Temecula Valley denied him a FAPE from December 17, 2023, through the 2024 extended school year, by failing to conduct an assistive technology, AAC, or vision processing assessment.

Temecula Valley prevailed on Issue 1b.

ISSUE 1c: DID TEMECULA VALLEY DENY STUDENT A FAPE FROM DECEMBER 17, 2023, THROUGH THE END OF THE 2023-2024 SCHOOL YEAR, INCLUDING EXTENDED SCHOOL YEAR 2024, BY FAILING IN ITS CHILD FIND OBLIGATION REGARDING THE VISION PROCESSING ASSESSMENT?

Student contends Temecula Valley's child find duty was triggered by Student's suspected visual processing need. Temecula Valley did not make any contentions regarding child find.

The IDEA places an affirmative, ongoing duty on the state and school districts to identify, locate, and assess all children with disabilities who need special education and related services. (20 U.S.C. § 1412(a)(3); 34 C.F.R. § 300.111(a); Ed. Code, § 56301, subd. (a).) This duty is commonly referred to as "child find." The purpose of the child find evaluation is to provide access to special education. (*Fitzgerald v. Camdenton R-III School Dist.* (8th Cir. 2006) 439 F.3d 773, 776.)

A school district's duty to assess a student's eligibility for special education is triggered by any request for special education or assessment from the student's parent. (Cal. Code Regs., tit. 5, § 3021, subd. (a).) Additionally, a school district still has a child find duty even if the parent has not requested special education testing or services. (*Reid v. Dist. of Columbia* (D.C.Cir. 2005) 401 F.3d 516, 518, (*Reid*).)

A district's duty to assess a child for a possible disability is broader than its duty to provide special education, and more easily triggered. A school district's child find obligation toward a specific child is triggered when there is reason to suspect the child may have a disability and may need special education and related services. (Ed. Code,

§ 56301, subd. (a).) The Education Code describes such a child as "an individual with exceptional needs." (Ed. Code, § 56026.) The obligation to assess for possible exceptional needs applies even if the child is advancing from grade to grade. (Ed. Code, § 56301, subd (b)(1).)

A disability becomes "suspected," and therefore must be assessed by a school district, when the district has notice that the child has displayed symptoms of that disability. (*Timothy O., supra*, 822 F.3d at pp. 1119-20.) A district may be put on notice through concerns expressed by parents about a child's symptoms, opinions expressed by informed professionals, or by other less formal indicators, such as the child's behavior. (*Id.* at pp. 1119-1121 [citing *Pasatiempo v. Aizawa* (9th Cir. 1996) 103 F.3d 796, and *N.B. v. Hellgate Elementary School Dist.* (9th Cir. 2008) 541 F.3d 1202].)

In deciding whether there is reason to suspect that a student has exceptional needs, a school district's appropriate inquiry is whether the student should be referred for an assessment, not whether the student actually qualifies for special education services. (*Dept. of Education, State of Hawaii v. Cari Rae S.* (D.Hawaii 2001) 158 F.Supp. 2d 1190, 1195.) School districts cannot rely on informal observations, or the subjective opinion of a staff member, to circumvent the district's responsibility to use the thorough and reliable procedures specified in the IDEA to assess a child in all areas of suspected disability. (*Timothy O., supra*, 822 F.3d at p. 1119.) Thus, the suspicion that a student might have an impairment affecting the student's educational performance is enough to trigger a need for assessment. (See, e.g., *Park v. Anaheim Union High School Dist., et al.* (9th Cir. 2006) 464 F.3d 1025, 1032.)

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The actions of a school district with respect to whether it had knowledge of, or reason to suspect, a disability, must be evaluated in light of information that the district knew, or had reason to know, at the relevant time. It is not based upon hindsight. (See *Adams, supra*, 195 F.3d at p. 1149 (citing *Fuhrmann v. East Hanover Bd. of Educ.* (3rd Cir. 1993) 993 F.2d 1031, 1041).)

Once a child is identified as potentially needing special education services, the district must conduct an initial evaluation to determine whether the child is eligible for special education. (34 C.F.R § 300.301; Ed. Code, § 56302.1.) No action may be taken to place a student with exceptional needs in a special education program without first conducting an assessment of the student's educational needs. (20 U.S.C. § 1414(a)(1)(A); Ed. Code, § 56320.)

An initial evaluation cannot be limited in scope but must assess a child's needs in all areas of suspected disability, to determine whether the child has a disability and gather the relevant functional, developmental, and academic information about the child necessary to develop an appropriate educational program. (20 U.S.C. § 1414(b)(3)(B); Ed. Code, §56320, subd. (f); *Timothy O., supra*, 822 F.3d at pp. 1111 and 1119.)

Here, Temecula Valley found Student eligible for special education in 2015, and Student remained eligible for special education throughout the entire statutory period at issue in this Decision. Temecula Valley conducted three-year reevaluations for Student in 2022 and again in 2025. Temecula Valley had already identified, located, and assessed Student for special education services and found him eligible in 2015. Although Temecula Valley had an ongoing duty to assess Student as necessary, a failure to assess an already eligible student does not violate child find. The purpose of child

find is to provide access to special education. Therefore, because Temecula Valley already found Student eligible for special education, it did not violate its child find duty by not conducting a vision processing assessment for Student.

Student failed to prove Temecula Valley denied him FAPE from December 17, 2023, through the 2024 extended school year by failing in its child find duty regarding vision processing.

Temecula Valley prevailed on Issue 1c.

ISSUE 1d: DID TEMECULA VALLEY DENY STUDENT A FAPE FROM DECEMBER 17, 2023, THROUGH THE END OF THE 2023-2024 SCHOOL YEAR, INCLUDING EXTENDED SCHOOL YEAR 2024, BY FAILING TO OFFER MEANINGFUL GOALS?

Student contends the IEP did not contain measurable present levels of performance matching the targeted skills of the IEP goals, and the way the goals would be implemented and measured was unclear. Temecula Valley contends that the IEPs were clear and understandable and Student had measurable and meaningful goals in all areas of need.

An annual IEP must contain a statement of measurable annual goals designed to: meet the individual's needs that result from the individual's disability to enable the pupil to be involved in and make progress in the general curriculum; and meet each of the pupil's other educational needs that result from the individual's disability. (20 U.S.C. § 1414(d)(1)(A)(i)(II); 34 C.F.R. § 300.320(a)(2)(i); Ed. Code, § 56345, subd. (a)(2).) Annual goals are statements that describe what a child with a disability can reasonably be

expected to accomplish within a 12-month period in the child's special education program. (*Letter to Butler*, 213 IDELR 118 (U.S. Dept. of Educ., Office of Special Education and Rehabilitative Services [OSERS] 1988); Notice of Interpretation, Appendix A to 34 C.F.R., part 300, Question 4 (1999 regulations).)

For each area of identified need, an IEP must contain measurable annual goals based upon the student's present levels of academic achievement and functional performance. (Ed. Code, § 56345.) The goals must enable the IEP team, including parents, to measure progress and determine whether the student received educational benefit. The IDEA does not require ideal goals or parent's preferred goal statements, but it does require goals reasonably calculated to address the student's unique educational needs and ensure the IEP confers meaningful educational benefit. (*Adams, supra*, 195 F.3d at p. 1149.)

As determined in Issue 1a, the appropriateness of the goals offered in the June 2, 2023 IEP is not at issue in this Decision. Temecula Valley offered six goals in the May 30, 2024 IEP. Temecula Valley offered goals in math, writing, reading, and behavior, and two pragmatics goals. The math, writing, and reading goals were not reasonably calculated to address Student's unique educational needs and ensure the IEP conferred meaningful educational benefit. The behavior and pragmatics goals were reasonably calculated to address Student's unique needs and allowed the IEP team to measure Student's progress.

The math goal did not enable the IEP team to determine if Student was making progress. The date on the goal was the same as the date of the IEP, not a year later as it should have been. The baseline was identical to the goal itself and listed that Student was able to complete the goal with 86.25 percent accuracy in three out of four trials.

The goal aimed for only minimal progress in math because it called for Student to increase his accuracy percentage by 3.75 percent, to 90 percent in three out of four trials. The goal was not reasonably calculated to enable Student to make progress in math because it was not appropriately ambitious or designed to reflect what Student could reasonably achieve in 12 months.

The writing goal was similarly deficient. The date had the same error as the math goal, and the baseline was also the same as the goal. The writing baseline stated Student could complete the task with 80 percent accuracy in two of three writing activities. The goal wanted to increase the percentage to 85 in two of three writing activities. The goal was not reasonably calculated to enable Student to make progress in writing because it was not appropriately ambitious or designed to reflect what Student could reasonably achieve in 12 months.

The reading goal was also deficient. The date had the same error as the math and writing goals, and the baseline was also the same as the goal. The reading baseline stated Student could complete the task with 80.37 percent accuracy in three of four trials. The goal wanted to increase the percentage to 85 in three of four trials. The goal was not reasonably calculated to enable Student to make progress in reading because it was not appropriately ambitious or designed to reflect what Student could reasonably achieve in 12 months.

The behavior and pragmatics goals were appropriate. Each of those goals was written to be accomplished by May 29, 2025. All three of the goals' baselines were related to the goal but Student was not yet able to complete the goals and the goals were reasonably calculated and appropriately ambitious to enable Student to make progress in those areas of need over the next year. Additionally, Student did not

present any evidence that the behavior or pragmatics goals Temecula Valley drafted were inappropriate. Student did not make any argument that the behavior or pragmatics goals were not meaningful.

Student proved by a preponderance of the evidence Temecula Valley denied him a FAPE from May 30, 2024, through the 2024 extended school year, by failing to offer meaningful math, writing, and reading goals. Student failed to prove Temecula Valley denied him a FAPE by failing to offer meaningful behavior or pragmatics goals.

Student partially prevailed on Issue 1d.

ISSUE 1e: DID TEMECULA VALLEY DENY STUDENT A FAPE FROM DECEMBER 17, 2023, THROUGH THE END OF THE 2023-2024 SCHOOL YEAR, INCLUDING EXTENDED SCHOOL YEAR 2024, BY FAILING TO OFFER AN APPROPRIATE FREQUENCY AND DURATION OF RELATED SERVICES IN SOCIAL SKILLS, READING REMEDIATION, AND VISION THERAPY?

Student contends the IEP offers did not address his reading needs. Student also contends the staff implementing the services was not qualified to provide reading intervention.

Temecula Valley contends that not only did Student not present any evidence regarding social skills needs, he had friends and socialized with his peers. Temecula Valley further contends Student made progress in reading with the services and supports in his IEP, therefore he did not require anything different. Finally, Temecula Valley contends it had no reason to suspect Student had a visual processing deficit prior to Student's 2025 independent psychoeducational evaluation.

An IEP must be “appropriately ambitious.” (*Endrew F.*, *supra*, 580 U.S. at pp. 402-403.) An IEP that offers “merely more than de minimis” progress violates the IDEA. (*Id.*) An IEP must be crafted to meaningfully benefit a student. (*Los Angeles Unified School Dist. v. A.O.* (9th Cir. 2024) 92 F.4th 1159.)

SOCIAL SKILLS SERVICES

As determined in Issue 1a, the appropriateness of the services offered in the June 2, 2023 IEP is not at issue in this Decision. Additionally, Student failed to offer any testimony or documentary evidence that demonstrated Temecula Valley should have amended the June 2, 2023 IEP, to offer Student social skills services from December 17, 2023, through May 29, 2024.

Temecula Valley did not offer specific social skills, reading intervention, or vision therapy in the May 30, 2024 IEP. However, one of Students’ pragmatics goals was designed to address turn taking and balance in conversations. The speech language pathologist was responsible for that goal and offered 900 minutes yearly of pullout speech and language therapy. Turn taking and balance in conversations are social skills. Student did not provide any evidence of what other social skills services he required.

VISION THERAPY

Student did not prove he required vision therapy. As determined in Issue 1b, Student failed to demonstrate Temecula Valley had a reason to suspect Student had a deficit in visual processing that would have warranted an assessment. Accordingly, Temecula Valley had no reason to suspect Student required vision therapy to receive a FAPE. Student failed to offer any persuasive testimony or documentary evidence to

demonstrate otherwise. Therefore, Student did not meet his burden of proving Temecula Valley denied him a FAPE by failing to provide vision therapy from December 17, 2023, through extended school year 2024.

READING INTERVENTION

It was undisputed that Student had a reading deficit. For the May 30, 2024 IEP, when Student was in sixth grade, Temecula Valley used Student's i-Ready scores to determine his present levels in reading. i-Ready is an online educational program used in schools to assess and boost student performance in reading and math.

In January 2024, Student's i-Ready scores reflected his overall reading skills were at a fourth grade level. Based on the January 2024 i-Ready scores, Student's skills in phonological awareness, phonics, and high frequency words were at the sixth grade level, vocabulary and literature comprehension at the fifth grade level, and informational text comprehension at the fourth grade level.

Student's January 2024 i-Ready scores were lower than his September 2023 i-Ready scores. Despite the decrease in reading scores, Temecula Valley failed to offer any reading intervention.

Parents informed the May 30, 2024 IEP team that Student received reading tutoring after school and was reading at a beginning third grade level. Parents also requested Temecula Valley provide Student reading support over the summer and support outside of school for reading decoding. Temecula Valley denied Parents' requests.

The methodology used to implement an IEP is left to the school district's discretion so long as it meets a student's needs and is reasonably calculated to provide an educational benefit. (*Rowley, supra*, 458 U.S. at p. 208; *J.L. v. Mercer Island School Dist.* (9th Cir. 2010) 592 F.3d 938, 950, citing *T. B. v. Warwick School Commission* (1st Cir. 2004) 361 F.3d 80, 84.). However, school districts are instructed to follow California program guidelines to offer students with dyslexia educational services that are evidence-based, multisensory, direct, explicit, structured, and sequential in its instructions. (Ed. Code, § 56335, subd. (a).)

The evidence established Student required reading intervention services in the May 30, 2024 IEP. Student struggled with reading decoding, fluency, and writing. The May 30, 2024 IEP team was well aware of these struggles.

Parents and Student's case manager Gail Lundgren testified regarding Student's behavior around reading and writing. Student often skipped class if he knew there was going to be a writing assignment, or swiped his writing assignment off the desk and refused to participate.

Student was similarly frustrated with reading assignments. Despite these documented struggles, Temecula Valley was not teaching Student to read. Temecula Valley accommodated Student in class with audio books and text to speech software but failed to teach him the skills to read. Student had a documented reading deficit that Temecula Valley failed to address.

Student proved Temecula Valley denied him a FAPE by failing to offer him reading intervention at the May 30, 2024 IEP team meeting. Student did not prove Temecula Valley denied him a FAPE by failing to offer social skills or vision therapy at the May 30, 2024 IEP team meeting. Student partially prevailed on Issue 1e.

ISSUE 1f: DID TEMECULA VALLEY DENY STUDENT A FAPE FROM DECEMBER 17, 2023, THROUGH THE END OF THE 2023-2024 SCHOOL YEAR, INCLUDING EXTENDED SCHOOL YEAR 2024, BY FAILING TO OFFER AND/OR IMPLEMENT AN APPROPRIATELY INTENSIVE READING, WRITING, AND MATH PROGRAM?

Student contends Temecula Valley failed to provide Student with explicit and systematic instruction in

- phonemic awareness,
- phonics,
- vocabulary,
- fluency, and
- comprehension.

Temecula Valley contends it offered Student appropriate intensive reading intervention, writing, and math programs, and implemented those programs with fidelity. Temecula Valley also contends Student made progress in all areas, and despite Parents' preference for an alternative program, Student progressed using the Read Naturally program.

As discussed in Issue 1e, Student proved Temecula Valley failed to offer reading intervention. However, Student did not present any additional evidence to establish Temecula Valley failed to offer or implement an intensive writing or math program. As determined in Issue 1e, Student proved Temecula Valley denied him FAPE by failing to

offer an appropriately intensive reading program from December 17, 2023, through the 2024 extended school year. Student did not prove Temecula Valley denied him FAPE by failing to offer an appropriately intensive writing or math program.

Student partially prevailed on Issue 1f.

ISSUE 1g: DID TEMECULA VALLEY DENY STUDENT A FAPE FROM DECEMBER 17, 2023, THROUGH THE END OF THE 2023-2024 SCHOOL YEAR, INCLUDING EXTENDED SCHOOL YEAR 2024, BY FAILING TO OFFER AND/OR IMPLEMENT APPROPRIATE POSITIVE BEHAVIORAL INTERVENTIONS LISTED IN THE BEHAVIOR SUPPORT PLAN, SPECIAL CIRCUMSTANCE INSTRUCTIONAL ASSISTANCE ASSESSMENT, FUNCTIONAL BEHAVIORAL ASSESSMENT, AND DR. MORRIS'S RECOMMENDATIONS?

Student contends Temecula Valley failed to include the data that supported what Student's behavior triggers were or how they were tracked.

Temecula Valley contends Student did not provide any evidence that it failed to offer or implement appropriate behavioral interventions and that Student made progress with his behavior.

Temecula Valley did not conduct a special circumstance instructional assistance assessment or a functional behavioral assessment during the 2023-2024 school year. Additionally, Dr. Robin Morris, clinical psychologist, did not conduct an independent educational evaluation until August 2025, therefore, Temecula Valley did not have Dr. Morris's recommendations to implement during the 2023-2024 school year.

Student did not present any evidence regarding what positive behavioral interventions Student required that Temecula Valley did not offer, or what interventions he was offered that Temecula Valley failed to implement. Therefore, Student did not meet his burden of proving Temecula Valley denied him FAPE from December 17, 2023, through extended school year 2024, by failing to offer and/or implement appropriate positive behavioral interventions.

Temecula Valley prevailed on Issue 1g.

ISSUE 1h: DID TEMECULA VALLEY DENY STUDENT A FAPE FROM DECEMBER 17, 2023, THROUGH THE END OF THE 2023-2024 SCHOOL YEAR, INCLUDING EXTENDED SCHOOL YEAR 2024, BY FAILING TO TIMELY HOLD AN IEP TEAM MEETING?

Student contends Temecula Valley failed to timely complete the IEP that began on December 7, 2023. Student further contends the December 7, 2023 IEP was continued to March 14, 2024, and not completed until June 28, 2024.

Temecula Valley contends it timely held all of Student's IEP team meetings.

A school district has an affirmative duty to review and revise, at least annually, an eligible child's IEP to determine whether the annual goals for the pupil are being achieved. (20 U.S.C. §§ 1414(d)(2)(A) and (4)(A); 34 C.F.R. §§ 300.323(a) and 300.324(b)(1); Ed. Code, § 56380, subd. (a)(1).) An annual review is necessary because the needs of a child with a disability often change, and the IEP must be responsive to those changes to offer a FAPE. (20 U.S.C. § 1414(d)(4)(A), (B).)

If the parent requests a meeting to develop, review, or revise a student's IEP, the meeting must be held within 30 days, excluding days between the pupil's regular school sessions, or days of school vacation in excess of five school days. (Ed. Code, § 56343.5.)

Temecula Valley held an annual IEP team meeting for Student on June 2, 2023. Student's next annual IEP team meeting was due by June 2, 2024. Temecula Valley held an annual IEP team meeting for Student on May 30, 2024. Student did not present any evidence that anyone requested an additional IEP team meeting at any time during the 2023-2024 school year. Student did not present any evidence of a December 7, 2023 IEP team meeting, a March 14, 2024 IEP team meeting, or a June 28, 2024 IEP team meeting. Therefore, Student did not meet his burden to prove Temecula Valley denied him FAPE from December 17, 2023, through extended school year 2024, by failing to timely hold an IEP team meeting.

Temecula Valley prevailed on Issue 1h.

ISSUE 1i: DID TEMECULA VALLEY DENY STUDENT A FAPE FROM DECEMBER 17, 2023, THROUGH THE END OF THE 2023-2024 SCHOOL YEAR, INCLUDING EXTENDED SCHOOL YEAR 2024, BY FAILING TO TIMELY ASSESS AND PRESENT ASSESSMENT RECOMMENDATIONS?

Student contends the December 9, 2024, assessment plan had the May 30, 2024 IEP date on it, and therefore the assessment was not timely.

Temecula Valley contends it timely and appropriately assessed Student when necessary in all areas of suspected disability.

School districts must complete special education assessments and hold an IEP team meeting to discuss the results of the assessment within 60 days of the date the school district receives the signed assessment plan unless the parent agrees in writing to an extension. (20 U.S.C. § 1414(a)(1)(c); 34 C.F.R. § 300.301(c)(1)(i), (ii); Ed. Code, §§ 56043, subds. (c) & (f)(1); 56321.1, subd. (a), and 56344, subd. (a).) This timeline does not include the days between the student's regular school sessions, terms, or days of school vacation in excess of five school days. (Ed. Code, § 56043, subd. (f)(1).)

Temecula Valley did not assess Student during the 2023-2024 school year. Therefore, Temecula Valley was not obligated to hold an IEP team meeting to review any assessments during the 2023-2024 school year. Student's contention that the IEP date on the assessment plan means it should have been presented at the IEP team meeting is misplaced. The IEP date on the assessment plan simply referenced Student's last IEP dated May 30, 2024. No violation occurred based on the date of the assessment plan. Student did not meet his burden of proving Temecula Valley denied him FAPE from December 17, 2023, through extended school year 2024, by failing to timely assess Student and present assessment recommendations.

Temecula Valley prevailed on Issue 1i.

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ISSUE 1j: DID TEMECULA VALLEY DENY STUDENT A FAPE FROM DECEMBER 17, 2023, THROUGH THE END OF THE 2023-2024 SCHOOL YEAR, INCLUDING EXTENDED SCHOOL YEAR 2024, BY FAILING TO INVOLVE PARENTS IN THE IEP PLANNING, DATA KNOWLEDGE, AND GOAL SETTING PROCESS?

Student contends Temecula Valley reported Student's reading level incorrectly and failed to respond to Parents' request for an independent psychoeducational evaluation.

Temecula Valley contends it involved Parents in the IEP process. Temecula Valley further contends Student's only evidence was Parents' allegation that they did not receive data to support Student's grades or progress on goals, however, Temecula Valley contends it provided Parents with the calculation of all the data collected.

The IDEA gives parents the right to participate in decisions about their child's program, but it does not give parents the right to control or veto any individual IEP offer provision. (*Ms. S. ex rel. G. v. Vashon Island Sch. Dist.* (9th Cir. 2003) 337 F.3d at p. 1131.) Parents retain the right to refuse consent to implementation of the IEP, in whole or in part (*I.R., supra*, 805 F.3d at p. 1170), but cannot dictate the terms of the offer itself.

Development of an IEP is a team decision, but if the team members do not agree, it is the school district that is ultimately responsible for ensuring that a student is offered a FAPE. (*Union Sch. Dist. v. Smith* (9th Cir. 1994) 15 F.3d at 1519, 1526; *Letter to Richards*, 55 IDELR 107 (U.S. Dept. of Educ., OSEP Nov. 23, 1990).)

Student did not present any evidence that Parents requested an IEP team meeting between December 17, 2023, through May 29, 2024. Additionally, Student did not present any evidence that Parents requested any changes to Student's IEP during that time or made any other requests of Temecula Valley. Parents were active participants in the May 30, 2024 IEP team meeting. Parents asked questions, shared information and concerns, and asked for changes. Temecula Valley acknowledged Parents' concerns and made some of the requested changes. For example, Parents requested Student try a general education class for a core academic class for the 2024-2025 school year. Temecula Valley implemented that request and offered Student a general education science class. Student did not present any documentary evidence or testimony regarding how Temecula Valley failed to involve Parents in the IEP planning, data knowledge, and goal setting process. Student did not present evidence that Temecula Valley did not respond to Parents' reading level claims or that Parents requested an independent psychoeducational evaluation. Student failed to prove Temecula Valley denied him a FAPE from December 17, 2023, through the 2024 extended school year, by failing to involve Parents in the IEP planning, data knowledge, and goal setting process.

Temecula Valley prevailed on Issue 1j.

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ISSUE 1k: DID TEMECULA VALLEY DENY STUDENT A FAPE FROM DECEMBER 17, 2023, THROUGH THE END OF THE 2023-2024 SCHOOL YEAR, INCLUDING EXTENDED SCHOOL YEAR 2024, BY FAILING TO IMPLEMENT STUDENT'S IEP AND SPECIALIZED ACADEMIC INSTRUCTION WITH FIDELITY?

Student clarified in his closing brief that the implementation issue only concerns January 2025 through May 2026. However, because Student did not explicitly withdraw the issue, it is not deemed abandoned.

Temecula Valley contends it implemented Student's IEPs and specialized academic instruction with fidelity.

Student failed to present evidence to support the claim that Temecula Valley failed to implement his IEP and specialized academic instruction with fidelity and also conceded his issue did not involve a failure by Temecula Valley to implement his IEP or specialized academic instruction from December 17, 2023, through December 2024.

Student failed to prove Temecula Valley denied him a FAPE from December 17, 2023, through the 2024 extended school year, by failing to implement his IEP and specialized academic instruction with fidelity. Temecula Valley prevailed on Issue 1k.

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ISSUE 2a: DID TEMECULA VALLEY DENY STUDENT A FAPE DURING THE 2024-2025 SCHOOL YEAR, INCLUDING EXTENDED SCHOOL YEAR 2025, BY FAILING TO OFFER APPROPRIATE PLACEMENT AND SUPPORTS?

Student contends the placement and supports Temecula Valley offered during the 2024-2025 school year and 2025 extended school year, did not teach independent reading skills such as

- decoding,
- spelling,
- fluency,
- orthographic processing, or
- written expression.

Student also contends he needed intensive reading instruction and not accommodations, repetition, and adult support to address his reading deficit.

Student alleged his placement continued to treat disability related dysregulation as noncompliance.

Temecula Valley contends it did not deny Student a FAPE. Temecula Valley contends Student met almost all his IEP goals and increased his reading fluency and comprehension which shows he made progress in light of his unique circumstances.

As determined in Issue 1a, Student failed to prove that the placement and supports Temecula Valley offered Student in the May 30, 2024 IEP were inappropriate. Parents consented to the May 30, 2024 IEP on August 8, 2024, prior to the start of the 2024-2025 school year on August 14, 2024. Temecula Valley implemented the May 30,

2024 IEP during the 2024-2025 school year. Temecula Valley amended the May 30, 2024 IEP on August 22, 2024, to add one additional goal. Temecula Valley did not make any changes to the IEP's offer of placement or supports. Student did not present any evidence that his needs changed during the 2024-2025 school year or that anyone requested an IEP team meeting to make changes to his placement and supports. Again, Student's argument surrounded reading intervention.

On December 9, 2024, Temecula Valley sent a proposed assessment plan to Parents to reassess Student for his three-year review. Parents consented to the assessment plan on December 11, 2024. Temecula Valley held IEP team meetings on February 20, March 3, and April 11, 2025, to review the assessments and update Student's IEP. The resulting IEP is referred to as the February 20, 2025, IEP. Parents consented to implementation of the February 20, 2025 IEP on April 21, 2025.

The February 20, 2025 IEP offered Student placement in a public school with 717 minutes weekly of specialized academic instruction in a mild to moderate special day class and 166 minutes weekly of specialized academic instruction for reading intervention. The IEP also offered Student 900 minutes yearly of language and speech services in a separate setting.

The February 20, 2025 IEP offered Student extra classroom support for 1,590 minutes per week in the form of an aide and implemented an independence plan regarding the extra adult support. The IEP also offered four hours of autism and applied behavior analysis training for the aide, and the same 13 additional supplementary aides, services, and other supports, it previously offered, specifically:

- a daily behavior chart sent home,
- frontloading changes to facilitate smooth transitions,

- movement breaks,
- preferential seating,
- access to sensory tools,
- verbal reminders for self-regulation prior to escalation,
- support for reading,
- support for writing,
- headphones for text to speech and speech to text,
- testing supports,
- occupational therapy consult with teachers,
- speech language pathologist consult with teachers, and
- reminders to fill out daily agenda with homework assignments.

The February 20, 2025 IEP offered two additional supports; collaboration and consultation between the special education staff and teachers regarding Student's dyslexia and providing Student extra time to process information. The IEP did not offer Student extended school year services for 2025.

Student's contention focused primarily on Temecula Valley's alleged failure to offer or provide him appropriate or sufficient reading intervention. Student did not present evidence or testimony regarding what changes Temecula Valley should have made to the placement or supports, or what Student required that was not offered aside from more intensive reading intervention.

Student made the same argument about extended school year for summer 2025 as he did for summer 2024, that it takes him longer than a typical student to readjust to school in the new school year. As evidence of this, Student pointed to his attendance records for the first few weeks of the 2025-2026 school year. During the first six weeks of the 2025-2026 school year there were four days in which Student was on campus but in the office or with a support person for part of the day. Parent explained during hearing that Student had a hard time readjusting to being back at school.

As determined in Issue 1a, Student's rough two days at the start of the 2024-2025 school year was not evidence that Student required extended school year. Similarly, even if Student's attendance during the first few weeks of the 2025-2026 school year was evidence that he required extended school year, Temecula Valley did not have that information at the February 20, 2025 IEP team meeting when it concluded Student did not require extended school year services.

Student failed to prove that the placement and supports Temecula Valley offered Student during the 2024-2025 school year, including extended school year, denied him a FAPE.

Temecula Valley prevailed on Issue 2a.

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ISSUE 2b: DID TEMECULA VALLEY DENY STUDENT A FAPE DURING THE 2024-2025 SCHOOL YEAR, INCLUDING EXTENDED SCHOOL YEAR 2025, BY FAILING TO CONDUCT AN ASSISTIVE TECHNOLOGY, AUGMENTATIVE AND ALTERNATIVE COMMUNICATION, AND VISION PROCESSING ASSESSMENT?

Student contends he had a discrepancy between listening and reading comprehension and between oral and written performance that required assistive technology. Student also contends he was at risk for a visual impairment as indicated by previous assessment scores in

- processing speed,
- rapid naming,
- visual motor,
- reading, and
- writing concerns.

Student did not make any argument regarding AAC.

Temecula Valley contends there was no evidence prior to Student's 2025 independent psychoeducational evaluation to suspect Student required any additional assessments. Temecula Valley contends Student's independent vision therapy assessor's testimony was not persuasive and Temecula Valley's school psychologist contradicted the opinion that Student required a vision processing assessment.

As determined in Issue 1b, Temecula Valley assessed Student in August 2022. Student's next three-year reassessment was due by August 2025. Temecula Valley sent an assessment plan to Parents on December 9, 2024. Temecula Valley proposed to assess Student's:

- academic achievement,
- social/adaptive/behavioral/emotional needs,
- processing abilities,
- perceptual/motor development,
- communication development, and
- health development.

Parents consented to the assessment plan on December 11, 2024. Parents did not propose any additional assessments or ask Temecula Valley any questions about the assessments.

Temecula Valley conducted the assessments and produced a multidisciplinary team assessment report on February 13, 2025. Student did not challenge the appropriateness of the multidisciplinary team assessment report. Rather, Student contends Temecula Valley failed to also conduct assistive technology, AAC, and vision processing assessments.

None of Temecula Valley's assessors recommended additional assessments. School psychologist Batiuk conducted the psychoeducational portion of the multidisciplinary team assessment. Batiuk assessed Student's cognitive processing.

Student pointed to his below average and low scores in the following areas as reasons Temecula Valley should have conducted further assessments, specifically a vision processing assessment:

- visual motor integration,
- processing speed,
- orthographic processing,
- math fluency,
- math,
- decoding,
- reading,
- written language, and
- reading fluency.

At hearing, Batiuk persuasively opined the scores were indicative of a learning disability, which Student had, and did not indicate further assessments were warranted. Student offered no persuasive testimony or documentary evidence to refute Batiuk's opinion. Batiuk's testimony was more persuasive than Student's assertion that further assessments were warranted, and as determined in Issue 1b, Dr. Stephey's testimony was not persuasive.

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Student did not present any evidence that Temecula Valley should have conducted an assistive technology or AAC assessment. Student had text to speech and audio books as supports. Student did not articulate any additional supports or services that required an assistive technology or AAC assessment. Student failed to prove Temecula Valley denied him a FAPE by failing to conduct an assistive technology, AAC, or vision processing assessment.

Temecula Valley prevailed on Issue 2b.

ISSUE 2c: DID TEMECULA VALLEY DENY STUDENT A FAPE DURING THE 2024-2025 SCHOOL YEAR, INCLUDING EXTENDED SCHOOL YEAR 2025, BY FAILING IN ITS CHILD FIND OBLIGATION REGARDING THE VISION PROCESSING ASSESSMENT?

Student contends Temecula Valley's child find duty was triggered by Student's suspected visual processing need. Temecula Valley did not make any contentions regarding child find.

As determined in Issue 1c, Student was already eligible for, and remained eligible for, special education during the 2024-2025 school year and 2025 extended school year. Therefore, Temecula Valley did not violate its child find duty in identifying, locating, and assessing Student for special education, specifically by not conducting a vision processing assessment for Student.

Temecula Valley prevailed on Issue 2c.

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ISSUE 2d: DID TEMECULA VALLEY DENY STUDENT A FAPE DURING THE 2024-2025 SCHOOL YEAR, INCLUDING EXTENDED SCHOOL YEAR 2025, BY FAILING TO OFFER MEANINGFUL GOALS?

Student contends the IEP did not contain measurable present levels of performance matching the targeted skills of the IEP goals, and the way the goals would be implemented and measured was unclear. Temecula Valley contends that the IEPs were clear and understandable and Student had measurable and meaningful goals in all areas of need.

As determined in Issue 1d, the academic goals Temecula Valley offered in the May 30, 2024, IEP were deficient. Temecula Valley did not make any changes to the goals until Student's next annual IEP team meeting on February 20, 2025. Therefore, the academic goals Temecula Valley implemented during the 2024-2025 school year continued to deny Student a FAPE until Temecula Valley held Student's annual IEP team meeting on February 20, 2025.

The February 20, 2025 IEP offered eight goals. Temecula Valley offered goals in

- math,
- reading,
- writing,
- behavior, and
- pragmatics.

Some of the goals had the same deficiencies as the May 30, 2024 IEP and were not reasonably calculated to address Student's unique educational needs and ensure the IEP conferred meaningful educational benefit.

Temecula Valley offered Student two math goals. The first math goal asked Student to solve linear equations with 80 percent accuracy in three out of four trials. The baseline listed Student's ability to solve such equations at zero percent. Student did not present any evidence that an 80 percent increase in the skill was not appropriately ambitious or that the goal was otherwise deficient.

The second math goal was solving real world and mathematical problems and had a baseline that was identical to the goal itself, but the second math goal listed that Student was already able to complete the goal with 75 percent accuracy. The goal wanted Student to increase that percentage to 80 in three out of four trials. The second math goal was not reasonably calculated to enable Student to make meaningful improvements in solving real world and mathematical problems.

The two reading goals were also not reasonably calculated to enable Student to make progress. The first reading baseline stated Student could read and comprehend sixth, seventh, or eighth grade level text with 67 percent accuracy. The goal wanted to increase the percentage to 80 in two of three writing activities. Not only was the goal only asking Student to increase his abilities 13 percent in a year, it also could be achieved using three different grade level materials. Reading and comprehending a sixth grade passage is very different than reading and comprehending an eighth grade passage. As written, the goal could be met if Student read a sixth grade passage or an eighth grade passage. Therefore, the first reading goal was not reasonably calculated to accurately measure and meaningfully improve Student's reading skills.

The second reading goal asked Student to answer comprehension questions with 85 percent accuracy after reading a teacher selected text with audio support. Student was already averaging 77.5 percent as his baseline. The second reading goal failed to identify the grade level text Student was required to read to meet the goal. As a result, Student could theoretically meet this goal by reading an elementary grade level passage. Therefore, the second reading goal was not reasonably calculated to accurately measure and meaningfully improve Student's reading comprehension skills.

The writing goal was also deficient. The writing goal asked Student to produce, with 80 percent accuracy, a written response to a writing prompt with

- an introduction,
- a thesis,
- transitions,
- sentence variety,
- grade level vocabulary, and
- correct punctuation and grammar.

The baseline stated Student could already complete the task with 65 percent accuracy. Again, there is no grade level associated with the writing prompt, and it was only asking Student to improve by 15 percent in a year. The goal was not reasonably calculated to enable Student to make progress in writing because it was not appropriately ambitious or designed to reflect what Student could achieve in 12 months.

The behavior and pragmatics goals were appropriate. All three of the baselines were related to the goal but Student was not yet able to complete the goals, and the goals were reasonably calculated and appropriately ambitious to enable Student to

make progress in those areas of need. Additionally, Student did not present any evidence that the behavior or pragmatics goals Temecula Valley drafted were inappropriate. Student did not make any argument that the behavior or pragmatics goals were not meaningful.

Neither Student nor Temecula Valley offered any testimony about how the goals were drafted, the IEP team's discussion surrounding the goals, or what was reasonable for Student to achieve in a year's time. However, Temecula Valley was obligated to draft goals that were appropriately ambitious and offered Student more than de minimis progress. Only asking Student to improve in the academic goals by on average 10 percent over the course of a year is not appropriately ambitious.

Student proved Temecula Valley denied him a FAPE during the 2024-2025 school year and 2025 extended school year, by failing to offer meaningful math, writing, and reading goals. Student failed to prove Temecula Valley denied him a FAPE by failing to offer meaningful behavior or pragmatics goals.

Student partially prevailed on Issue 2d.

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ISSUE 2e: DID TEMECULA VALLEY DENY STUDENT A FAPE DURING THE 2024-2025 SCHOOL YEAR, INCLUDING EXTENDED SCHOOL YEAR 2025, BY FAILING TO OFFER AN APPROPRIATE FREQUENCY AND DURATION OF RELATED SERVICES IN SOCIAL SKILLS, READING REMEDIATION, AND VISION THERAPY?

Student contends the IEP offers did not address his reading needs. Student also contends the staff implementing the services was not qualified to provide reading intervention or remediation.

Temecula Valley contends not only did Student not present any evidence regarding social skills needs, he had friends and socialized with his peers. Temecula Valley contends Student made progress in reading with the services and supports in his IEP and therefore, he did not require anything different. Finally, Temecula Valley contends there was no indication that Student had visual processing deficits prior to Student's 2025 independent psychoeducational evaluation.

Temecula Valley did not offer Student social skills or vision therapy during the 2024-2025 school year. Student did not present any evidence of what type, frequency, or duration of social skills he required. Student also failed to prove Temecula Valley denied him a FAPE by failing to offer vision therapy. As determined in Issue 2b, Temecula Valley had no reason to suspect Student had a vision processing deficit necessitating an assessment, and therefore, had no reason to offer vision therapy that would have addressed that deficit. Student did not present any evidence, aside from

Dr. Stephey's testimony, that he required vision therapy. Dr. Stephey did not evaluate Student during the 2024-2025 school year, so Temecula Valley did not have his report to consider when offering services during the 2024-2025 school year.

As determined in Issue 1e, Temecula Valley denied Student a FAPE by failing to offer reading intervention. Temecula Valley did not offer Student reading intervention until the February 20, 2025 IEP team meeting. The February 20, 2025 IEP offered Student 30 minutes, four times a week of reading intervention during his advisory class.

Student's argument that he required more reading intervention was based on Dr. Morris's independent psychoeducational evaluation that was not completed until August 2025. Therefore, Temecula Valley did not have Dr. Morris's recommendations during the 2024-2025 school year. As determined in Issue 1e, Temecula Valley failed to offer Student reading intervention during the 2023-2024 school year. That failure continued into the 2024-2025 school year until Temecula Valley offered reading intervention in the February 20, 2025 IEP. Therefore, Student proved by a preponderance of the evidence Temecula Valley denied him a FAPE during the 2024-2025 school year, through February 19, 2025, by failing to offer reading intervention.

However, Student failed to prove he required more than the 30 minutes, four times a week of reading intervention as offered in the February 20, 2025 IEP. Therefore, Student failed to prove Temecula Valley denied him a FAPE by failing to offer reading intervention from February 20, 2025, through the 2025 extended school year.

Student partially prevailed on Issue 2e.

ISSUE 2f: DID TEMECULA VALLEY DENY STUDENT A FAPE DURING THE 2024-2025 SCHOOL YEAR, INCLUDING EXTENDED SCHOOL YEAR 2025, BY FAILING TO OFFER AND/OR IMPLEMENT AN APPROPRIATELY INTENSIVE READING, WRITING, AND MATH PROGRAM?

Student contends Temecula Valley failed to provide Student with explicit and systematic instruction in

- phonemic awareness,
- phonics,
- vocabulary,
- fluency, and
- comprehension.

Temecula Valley contends it offered Student appropriate intensive reading intervention, writing, and math programs, and implemented those programs with fidelity. Temecula Valley contends Student made progress in all areas, and despite Parents' preference for an alternative program, Student progressed using the Read Naturally program.

Temecula Valley argues Student received an educational benefit because he met his goals and was passing his classes. However, his goals tell a different story. As determined in Issue 1d, the math, writing, and reading goals were not appropriately ambitious. Student's math goal asked him to increase his accuracy from 86.25 percent to 90 percent when solving multistep problems. Although Student met his goal, in a years' time he increased his accuracy from 86.25 to 97 percent. Student's writing goal

asked him to increase his self-editing skills from 80 to 85 percent. Again, Student met the goal, but went from 80 to 93.75 percent in a year. Finally, Student's reading goal asked him to increase his comprehension from 80.37 to 85 percent. Student also met that goal by increasing his reading comprehension from 80.37 to 89 percent.

Although Student passed his classes, they were not general education classes; his core math, English language arts, and social studies were mild to moderate special day classes. The mild to moderate special day classes had a slower pace and did not meet the A through G requirements to apply to a four year university after high school graduation. The mild to moderate special day classes did not have the same academic rigor that a typical general education high school class had. Consequently, those grades are not conclusive of educational benefit.

Student's main challenge was in reading and writing. Student had dyslexia which impacted his ability to decode and read information. Student also had significant writing challenges. At times Student's aide wrote for him because he struggled to complete writing tasks. Temecula Valley's argument that it accommodated Student in class so he could learn the material and that it was not required to teach him to read because he had a reading deficit was not persuasive. Temecula Valley did not provide any legal authority for this proposition. School districts are instructed to follow California program guidelines to offer students with dyslexia educational services that are evidence-based, multisensory, direct, explicit, structured, and sequential in its instructions. (Ed. Code, § 56335, subd. (a).)

However, Student's argument was substantially similar as that in Issue 2e. Student proved Temecula Valley should have offered Student reading intervention, however, Student did not present any additional evidence regarding writing or math. As

determined in Issues 1e, 1f, and 2e Student proved Temecula Valley denied him FAPE by failing to offer an appropriately intensive reading program. Student did not prove Temecula Valley denied him FAPE by failing to offer an appropriately intensive writing or math program.

Student partially prevailed on Issue 2f.

ISSUE 2g: DID TEMECULA VALLEY DENY STUDENT A FAPE DURING THE 2024-2025 SCHOOL YEAR, INCLUDING EXTENDED SCHOOL YEAR 2025, BY FAILING TO OFFER AND/OR IMPLEMENT APPROPRIATE POSITIVE BEHAVIORAL INTERVENTIONS LISTED IN THE BEHAVIOR SUPPORT PLAN, SPECIAL CIRCUMSTANCE INSTRUCTIONAL ASSISTANCE ASSESSMENT, FUNCTIONAL BEHAVIORAL ASSESSMENT, AND DR. MORRIS'S RECOMMENDATIONS?

Student contends Temecula Valley did not link the academic demand to Student's behavior. Therefore, any data collected could not distinguish between Student's task refusal and his inability to process or complete the task.

Temecula Valley contends Student did not provide any evidence that it failed to offer or implement appropriate behavioral interventions and that Student had made progress with his behavior.

Temecula Valley did not conduct a functional behavioral assessment during the 2024-2025 school year, therefore, there were no appropriate positive behavior interventions in a functional behavioral assessment for Temecula Valley to implement. Additionally, Dr. Robin Morris did not conduct an independent educational evaluation

until August 2025, so Temecula Valley did not have her recommendations during the 2024-2025 school year or extended school year 2025. Temecula Valley conducted a special circumstance instructional assistance assessment in February 2025. School psychologist Batiuk conducted the assessment. Batiuk recommended an aide continue to support Student in his core academic, elective, and physical education classes. Batiuk also recommended redirecting Student back to instruction when he engaged in off-task behaviors that prevented him from accessing instruction. Batiuk further recommended the aide assist other staff in providing Student the interventions outlined in his IEP and behavior support plan.

Temecula Valley implemented the aide recommendation and Student continued to have an aide for the 2024-2025 school year. Student's aide testified at hearing that she frequently redirected Student back to tasks. Student did not provide any evidence that Temecula Valley did not implement Batiuk's recommendations.

Student did not present any evidence regarding what positive behavioral interventions Student required that Temecula Valley did not offer, or what interventions he was offered that Temecula Valley failed to implement. Therefore, similar to the findings in Issue 1g, Student did not meet his burden of proving Temecula Valley denied him a FAPE during the 2024-2025 school year, through the 2025 extended school year, by failing to offer and/or implement appropriate positive behavioral interventions.

Temecula Valley prevailed on Issue 2g.

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ISSUES 2h AND 2i: DID TEMECULA VALLEY DENY STUDENT A FAPE DURING THE 2024-2025 SCHOOL YEAR, INCLUDING EXTENDED SCHOOL YEAR 2025, BY FAILING TO TIMELY HOLD AN IEP TEAM MEETING AND TO TIMELY ASSESS AND PRESENT ASSESSMENT RECOMMENDATIONS?

Student contends the February 20, 2025, IEP does not present a clear, internally consistent account of the IEP team meeting. Student contends the meeting notes are combined and confusing. Student further contends the IEP was inaccurate because it discussed the February 20, 2025 occupational therapy assessment, that was not reviewed by the IEP team until the April 2025 IEP team meeting.

Temecula Valley contends it timely held all of Student's IEP team meetings and it timely and appropriately assessed Student when necessary in all areas of suspected disability.

Issues 2h and 2i are intertwined and allege substantially similar IDEA violations. Therefore, they are analyzed together.

Temecula Valley held Student's annual IEP team meeting during the 2023-2024 school year on May 30, 2024. Temecula Valley was required to hold another annual IEP team meeting by May 30, 2025. Temecula Valley timely held Student's IEP team meeting on February 20, 2025. The February 20, 2025 IEP team meeting was a three-year reassessment meeting. Parents consented to the assessment plan for the three-year reassessment on December 11, 2024. Temecula Valley had 60 days, not including breaks of five days or more, from December 11, 2024, to hold the IEP team meeting to review the assessments. February 20, 2025, was 71 days after Parents signed the assessment plan. However, Temecula Valley was on winter break for 17 days from

December 21, 2024, through January 6, 2025, with school resuming on January 7, 2025. Considering the winter break, Temecula Valley held the IEP team meeting to review the assessments within 54 days of Parents signing the assessment plan.

Temecula Valley timely held the IEP team meeting to review the three-year reassessments. The IEP team reviewed the assessments during the February 20, 2025 IEP team meeting. The evidence does not support Student's contention that the occupational therapy assessment was not discussed at the February 20, 2025 IEP team meeting. The meeting notes for February 20, 2025 IEP, reflect that the occupational therapist reviewed the results of the occupational therapy assessment. Additionally, the occupational therapy assessment was part of the February 20, 2025 multidisciplinary assessment. The team did not finalize Student's IEP during the February 20, 2025 IEP team meeting. The IEP team reconvened on March 3, and April 11, 2025, before finalizing Student's annual IEP.

Student did not present any evidence that Temecula Valley was required to finalize the IEP during the first IEP team meeting. Moreover, Temecula Valley finalized Student's IEP on April 11, 2025, prior to when Student's annual IEP review was due on May 30, 2025. Student failed to prove Temecula Valley denied him a FAPE during the 2024-2025 school year and 2025 extended school year by failing to timely hold an IEP team meeting or timely assess and present assessment recommendations.

Temecula Valley prevailed on Issues 2h and 2i.

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ISSUE 2j: DID TEMECULA VALLEY DENY STUDENT A FAPE DURING THE 2024-2025 SCHOOL YEAR, INCLUDING EXTENDED SCHOOL YEAR 2025, BY FAILING TO INVOLVE PARENTS IN THE IEP PLANNING, DATA KNOWLEDGE, AND GOAL SETTING PROCESS?

Student contends Parents repeatedly asked for work samples and data to show progress and Temecula Valley did not provide anything. Student further contends without that data, Parents were not able to meaningfully participate in the IEP process.

Temecula Valley contends no FAPE denial occurred because it involved Parents in the IEP process and provided Parents with the calculation of all the data collected.

Temecula Valley held three IEP team meetings during the 2024-2025 school year. Parents attended all three IEP team meetings with their attorney and were active participants. Parents asked questions, shared information, and asked for revisions in the IEPs. Student argues Parents could not meaningfully participate in the development of the IEPs because Temecula Valley did not provide Parents with copies of Student's work samples. However, testimony and documentary evidence showed Temecula Valley shared Student's progress on goals and updated Student's present levels of performance. Student did not provide any authority that a local educational agency is required to provide work samples for parents to meaningfully participate in the IEP process. Student also failed to offer any evidence on how Parents' participation in the IEP team meetings

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were significantly impeded because they did not have copies of Student's work samples. Student failed to prove Temecula Valley denied him a FAPE during the 2024-2025 school year and 2025 extended school year by failing to involve parents in the IEP planning, data knowledge, and goal setting process.

Temecula Valley prevailed on Issue 2j.

ISSUES 2k AND 3k: DID TEMECULA VALLEY DENY STUDENT A FAPE DURING THE 2024-2025 SCHOOL YEAR, INCLUDING EXTENDED SCHOOL YEAR 2025, AND DURING THE 2025-2026 SCHOOL YEAR, THROUGH MAY 4, 2026, BY FAILING TO IMPLEMENT STUDENT'S IEP AND SPECIALIZED ACADEMIC INSTRUCTION WITH FIDELITY?

Issues 2k and 3k are substantially intertwined therefore will be analyzed together. Student clarified in his closing brief that the implementation issue only concerns January 2025 through May 4, 2026. However, because Student did not explicitly withdraw the issue as it relates to events prior to January 2025, it is not deemed abandoned.

Temecula Valley contends it implemented Student's IEPs and specialized academic instruction with fidelity. Temecula Valley further contends that Student offered no evidence to establish, or even suggest, that it failed to implement Student's specialized academic instruction.

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Student failed to present evidence to support the claim that Temecula Valley failed to implement his IEP and specialized academic instruction with fidelity from August 2024 through December 2024. Student also conceded his issue did not involve a failure by Temecula Valley to implement his IEP or specialized academic instruction from December 17, 2023, through December 2024.

Student contends Temecula Valley did not implement Student's reading intervention with fidelity. Student contends he received anywhere from eight to 25 minutes four times a week instead of the 30 minutes he should have received.

As soon as possible after the development of an IEP, the district must make special education and related services available to the student in accordance with that IEP. (34 C.F.R. § 300.323(c) (2006).) Where a student alleges a FAPE denial based on an IEP implementation failure, the student must prove that the failure was "material," which means that the services provided to a disabled child fall "significantly short of the services required by the child's IEP." (*Van Duyn v. Baker School Dist. 5J* (9th Cir. 2007) 502 F.3d 811, 822.) No statutory requirement of perfect adherence to the IEP exists, nor is there any reason rooted in the statutory text to view minor implementation failures as FAPE denials. (*Id.* at p. 821.) "A material failure occurs when there is more than a minor discrepancy between the services a school provides to a disabled child and the services required by the child's IEP." (*Id.* at p. 815.) A material failure to implement an IEP constitutes a substantive violation of the IDEA. (*Id.* at pp. 819-823.)

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The February 20, 2025 IEP offered Student reading intervention for 30 minutes four times a week. Parents consented to implementing the IEP on April 21, 2025. The last day of school for the 2024-2025 school year was June 6, 2025. Seven weeks remained in the 2024-2025 school year following Parents' written consent to implementation of the IEP.

Temecula Valley continued to offer the same reading intervention during the 2025-2026 school year. At the December 12, 2025 IEP team meeting, Temecula Valley proposed switching Student's reading intervention from his enrichment class to his elective class to ensure he received the full 30 minutes four times a week. Parents did not consent to the December 12, 2025 IEP and subsequently disenrolled Student from Temecula Valley on December 18, 2025.

Temecula Valley did not implement Student's reading intervention with fidelity. Student received the reading intervention during his enrichment class that his case manager Gail Lundgren taught. The enrichment class was shorter than a typical middle school class, around 40 minutes long. Student would spend the first 10 minutes of enrichment with the whole class listening to announcements then would transition to the hallway with his aide for reading intervention. Student's aide testified at hearing that she did not provide reading instruction but simply monitored Student and offered assistance when needed. This was in direct opposition to Parents' and Lundgren's testimony. Parents understood that the aide was providing the reading intervention. Lundgren also confirmed the aide was teaching the reading intervention in the hallway while Lundgren was in the classroom with approximately 20 other students. The classroom door was often closed to lessen the noise and distraction for Student.

Lundgren initially started using the Barton program, an evidence-based structured literacy program, for Student's reading intervention. However, Student was extremely resistant to the Barton program and only participated on average eight to 15 minutes per day. Lundgren testified that at some point after spring break, which ended on April 4, 2025, she switched from using the Barton program to Read Naturally. April 4, 2025, was prior to Parents' consent to the IEP on April 21, 2025. It is unclear when Temecula Valley began implementing the reading intervention. Lundgren could not recall exactly when she started reading intervention with Student or when she switched programs.

Lundgren decided to switch reading programs because Student was resistant to the Barton program. However, Lundgren picked Read Naturally because she had it in her classroom. The IEP team did not discuss the change or base the new program on Student's individual needs. Parent did extensive research on the different reading programs and explained during hearing that Read Naturally is primarily a fluency program, not decoding like the Barton program. Student was more receptive to Read Naturally, but still only averaged 20 to 25 minutes daily.

Temecula Valley's implementation failure was threefold. First, Student, on average, only received 15 minutes of the required 30 minutes of reading intervention offered four times a week. Second, Temecula Valley's choice of program was not based on Student's individual needs, but what it had available. And third, Student's aide was providing him instruction without direct supervision from a credentialed teacher.

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Student proved Temecula Valley denied him a FAPE by failing to implement his IEP with fidelity from April 21, 2025, when Parents consented to the February 20, 2025 IEP implementation, through December 18, 2025, when Student disenrolled from Temecula Valley.

Student prevailed on Issues 2k and 3k.

ISSUE 3a: DID TEMECULA VALLEY DENY STUDENT A FAPE DURING THE 2025-2026 SCHOOL YEAR, THROUGH MAY 4, 2026, BY FAILING TO OFFER APPROPRIATE PLACEMENT AND SUPPORTS?

Student contends the placement and supports Temecula Valley offered failed to teach independent reading skills such as

- decoding,
- spelling,
- fluency,
- orthographic processing, or
- written expression.

Student also contends he needed intensive reading instruction not accommodations, repetition, and adult support. Student alleged his placement in mild to moderate special day class for language arts class, instead of reading intervention services, reduced access to his education.

Temecula Valley contends it did not deny Student a FAPE. Temecula Valley contends Student met almost all his IEP goals and increased his reading fluency and comprehension which shows he made progress in light of his unique circumstances.

Temecula Valley implemented the February 20, 2025, IEP during the 2025-2026 school year until Student withdrew from Temecula Valley on December 18, 2025. As determined in Issue 2a, the February 20, 2025 IEP did not deny Student a FAPE by failing to offer appropriate placement and supports. Temecula Valley held an amendment IEP team meeting on October 1, 2025, to review Dr. Morris's independent psychoeducational evaluation, but did not make any changes to the placement and supports offered in the February 20, 2025 IEP. Dr. Morris recommended six hours per week of an intensive structured literacy program. Dr. Morris did not recommend a specific placement change. Additionally, Dr. Morris did not testify at hearing to discuss her recommendations.

Temecula Valley held another amendment IEP team meeting on December 12, 2025, to review Dr. Stephey's independent vision therapy evaluation. Temecula Valley offered Student the same placement and supports as it did in the February 20, 2025 IEP. Temecula Valley changed the class in which Student would receive the reading instruction from his enrichment class to his elective class. Temecula Valley also clarified the reading instruction would incorporate a writing component and it would consist of a combination of three reading programs, Step up to Writing, Read Naturally, and Orton Gillingham. Temecula Valley also offered an additional support of large print materials. Temecula Valley did not make any other changes to Student's placement or supports.

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Student withdrew from Temecula Valley on December 18, 2025, and began attending Lindamood Bell Academy in January 2026. Student's contention that he made more progress at Lindamood Bell does not establish Temecula Valley's placement offer was not appropriate.

Paris Shirazian testified regarding Student's attendance at Lindamood Bell. Shirazian was a development director for Lindamood Bell. At hearing, Shirazian opined Student required another year at Lindamood Bell Academy. Her testimony was not persuasive. Shirazian had never met Student. Shirazian's role at Lindamood Bell was to increase enrollment, not work directly with students. Shirazian had a master's degree in counseling psychology, but was not a school psychologist, nor did she have any training or experience in special education. Thus, Shirazian was not qualified to offer placement recommendations for Student and her testimony was given little weight.

As determined in Issue 2a, Student did not prove the February 20, 2025 IEP denied him FAPE by failing to offer appropriate placement and supports. Student did not provide any additional evidence that his needs changed, or that anyone, including Dr. Morris, recommended a different placement or supports for Student. Student did not prove Temecula Valley denied him FAPE during the 2025-2026 school year, through May 4, 2026, by failing to offer appropriate placement or supports.

Temecula Valley prevailed on Issue 3a.

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ISSUE 3b: DID TEMECULA VALLEY DENY STUDENT A FAPE DURING THE 2025-2026 SCHOOL YEAR, THROUGH MAY 4, 2026, BY FAILING TO CONDUCT AN ASSISTIVE TECHNOLOGY, AUGMENTATIVE AND ALTERNATIVE COMMUNICATION, AND VISION PROCESSING ASSESSMENT?

Student contends Temecula Valley failed to follow Dr. Morris's recommendation for an assistive technology assessment and a visual processing assessment. Student also contends Parents never received the October 15, 2025 assessment plan. Student does not make any contentions regarding an AAC assessment.

Temecula Valley contends there was no evidence prior to Student's 2025 independent psychoeducational evaluation to suspect Student required any additional assessments. Temecula Valley further contends that although it disagreed with Dr. Morris's recommendation for an assistive technology and visual processing assessment, it still offered to conduct those assessments.

On October 1, 2025, Temecula Valley held an IEP team meeting to review Dr. Morris's independent psychoeducational evaluation. Dr. Morris recommended both an assistive technology assessment and a visual evaluation with a pediatric optometrist. The IEP team discussed Dr. Morris's recommendations and acknowledged the recommendation for an assistive technology and visual evaluation. However, the October 1, 2025 IEP team meeting notes do not mention an assessment plan.

Temecula Valley created an assessment plan for an assistive technology and functional vision assessment dated October 15, 2025. Steven Israel was a special education program specialist for Temecula Valley. Israel testified that he followed his

standard practice and emailed the October 15, 2025 assessment plan to the email address on file for Parents. Parents also testified regarding the assessment plan and were adamant they never received the assessment plan. Temecula Valley offered the unsigned assessment plan as evidence at hearing. However, the corresponding email was conspicuously missing from Temecula Valley's exhibits. Additionally, Israel did not follow up with Parents regarding the assessment plan that he supposedly provided to them. Accordingly, Temecula Valley's account of providing Parents the October 15, 2025 assessment plan was not persuasive.

A district receiving a referral for an assessment of a child has 15 days to provide the parent a written proposed assessment plan and explanation of the IDEA's procedural safeguards, including:

- information on the procedures for requesting an informal meeting, prehearing mediation conference, mediation conference, or due process hearing;
- the timelines for completing each process;
- whether the process is optional;
- and the type of representative who may be invited to participate.

(Ed. Code, § 56321, subd. (a).) The proposed assessment plan must be in language easily understood by the general public, be in the native language of the parent, explain the types of assessments to be conducted, and state that no IEP will result from the assessment without the consent of the parent. (Ed. Code, § 56321, subd. (b).)

Dr. Morris's recommendations for assistive technology and visual processing assessments, and the October 1, 2025 IEP team's discussion regarding Dr. Morris's assessment recommendations were enough to put Temecula Valley on notice that Parents were requesting an assistive technology and vision processing assessment. Temecula Valley failed to provide Parents an assessment plan within 15 days of the October 1, 2025 IEP team meeting. While Temecula Valley may have drafted an assessment plan within the 15-day timeline, Student proved that Parents never received it.

Temecula Valley's failure to send Parents an assessment plan was a procedural violation of the IDEA. However, not every procedural violation amounts to a FAPE denial. A procedural violation results in a denial of a FAPE only if the violation impeded the child's right to a FAPE, significantly impeded the parent's opportunity to participate in the decisionmaking process, or caused a deprivation of educational benefits. (20 U.S.C. § 1415(f)(3)(E)(ii); 34 C.F.R. § 300.513(a); Ed. Code, § 56505, subd. (f)(2); *W.G., et al. v. Board of Trustees of Target Range School Dist., etc.* (9th Cir. 1992) 960 F.2d 1479, 1484, *superseded in part by statute on other grounds*

["... procedural inadequacies that result in the loss of educational opportunity, [citation], or seriously infringe the parents' opportunity to participate in the IEP formulation process, [citations], clearly result in the denial of a FAPE. A procedural violation" will be 'actionable' only 'if [it] affected the student's substantive rights.'" (*Leggett v. Dist. of Columbia* (D.C. Cir. 2015) 793 F.3d 59, 67, quoting *Lesesne ex rel. B.F. v. Dist. of Columbia* (D.C. Cir. 2006) 447 F.3d 828, 832, 834.)

Parents contracted with Dr. Stephey to conduct a vision therapy assessment in October 2025, prior to when Temecula Valley should have sent Parents an assessment plan. Temecula Valley should have sent Parents an assessment plan by October 15, 2025. Dr. Stephey conducted the vision therapy assessment on October 9 and 15, 2025, and Temecula Valley held an IEP team meeting on December 12, 2025, to review the vision therapy assessment. Temecula Valley offered Student vision therapy at the December 12, 2025 IEP team meeting. Parents cured Temecula Valley's procedural violation regarding the vision therapy assessment before it amounted to a FAPE denial. However, that does not absolve Temecula Valley of its procedural violation.

Parents did not similarly cure Temecula Valley's procedural violation regarding the assistive technology assessment. Without an assistive technology assessment Student's IEP team was not able to determine what, if any, additional assistive technology tools Student needed to access his education. Dr. Morris recommended an assistive technology assessment because Student had difficulty with written expression. Both Lundgren and Student's aide explained at hearing that writing was a struggle for Student. Additionally, Dr. Stephey also recommended an assistive technology assessment. Parents were left without the information they needed to understand Student's assistive technology needs. Not having an assistive technology assessment significantly impeded Parents' ability to participate in the decisionmaking process.

Student proved by a preponderance of the evidence Temecula Valley denied him a FAPE during the 2025-2026 school year, through May 4, 2026, by failing to conduct an assistive technology assessment, and committed a procedural error by failing to conduct a vision processing assessment.

Student partially prevailed on Issue 3b.

ISSUE 3c: DID TEMECULA VALLEY DENY STUDENT A FAPE DURING THE 2025-2026 SCHOOL YEAR, THROUGH MAY 4, 2026, BY FAILING IN ITS CHILD FIND OBLIGATION REGARDING THE VISION PROCESSING ASSESSMENT?

Student contends Temecula Valley's child find duty was triggered by Student's suspected visual processing need. Temecula Valley did not make any contentions regarding child find.

As determined in Issues 1c and 2c, because child find is a duty to identify, locate, and assess students for special education, and Student was already eligible for, and remained eligible for, special education, Temecula Valley did not violate its child find duty by not conducting a vision processing assessment for Student.

Temecula Valley prevailed on Issue 3c.

ISSUE 3d: DID TEMECULA VALLEY DENY STUDENT A FAPE DURING THE 2025-2026 SCHOOL YEAR, THROUGH MAY 4, 2026, BY FAILING TO OFFER MEANINGFUL GOALS?

Student contends the February 20, 2025 IEP did not contain measurable present levels matching the goal skill, materials, prompting conditions, and measurement method used in the annual target for many of the IEP goals.

Temecula Valley contends that the IEPs were clear and understandable and Student had measurable and meaningful goals in all areas of need.

As determined in Issue 2d, the reading, writing, and one of the math goals Temecula Valley offered Student in the February 20, 2025 IEP were deficient, but the behavior and pragmatics goals were appropriate. Neither Student nor Temecula Valley introduced any evidence that Temecula Valley made any changes to the goals during the 2025-2026 school year. Therefore, the academic goals Temecula Valley implemented during the 2024-2025 school year continued to deny Student a FAPE.

Student proved Temecula Valley denied him a FAPE during the 2025-2026 school year, through May 4, 2026, by failing to offer meaningful academic goals. Student did not prove Temecula Valley denied him a FAPE during the 2025-2026 school year, through May 4, 2026, by failing to offer meaningful behavior and pragmatics goals.

Student partially prevailed on Issue 3d.

ISSUE 3e: DID TEMECULA VALLEY DENY STUDENT A FAPE DURING THE 2025-2026 SCHOOL YEAR, THROUGH MAY 4, 2026, BY FAILING TO OFFER AN APPROPRIATE FREQUENCY AND DURATION OF RELATED SERVICES IN SOCIAL SKILLS, READING REMEDIATION, AND VISION THERAPY?

Student contends the IEP offers did not address his reading needs. Student also contends the staff implementing the services was not qualified to provide reading intervention or remediation. Student further contends Temecula Valley failed to offer the PEERS social skills program, additional reading intervention based on Dr. Morris's recommendation, and vision therapy that matched Dr. Stephey's recommendation.

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Temecula Valley contends Student had no social skills deficits because he had friends and socialized with his peers, and therefore did not require social skills services. Temecula Valley also contends Student made progress in reading with the services and supports in his IEP, and therefore he did not require any additional or different reading interventions. Finally, Temecula Valley contends it has no reason to suspect Student had a visual processing deficit prior to Student's 2025 independent psychoeducational evaluation and therefore had no basis to offer vision therapy.

Dr. Morris recommended a minimum of six hours per week of an intensive structured literacy program in her August 28, 2025 independent psychoeducational evaluation. Dr. Morris also recommended a social skills program such as the PEERS program or Social Thinking. Dr. Morris presented her findings at the October 1, 2025 IEP team meeting. Temecula Valley disagreed with the amount of reading intervention Dr. Morris recommended. Temecula Valley continued to offer two hours a week of reading intervention split into 30 minute sessions four times per week. Dr. Morris did not testify at hearing to explain her recommendations. Nor did Dr. Morris explain how she determined six hours was appropriate in her recommendation. Lundgren, on the other hand, explained at hearing that Student was resistant to the reading intervention at 30 minutes per day. Without the benefit of Dr. Morris's testimony, her recommendations were not as persuasive as Temecula Valley's because Student was not able to explain how he would be able to access six hours of reading intervention per week when he struggled with the two hours Temecula Valley was already providing.

Dr. Stephey recommended assistive technology glasses, five fee based therapy programs Student was to complete on his own, and 18 hours of visual spatial phonological intensive therapy. Temecula Valley offered Student 25 sessions

weekly of 45 minutes each, or 18.75 hours of vision therapy with a progress check at the conclusion of the service. Student did not prove he required assistive technology glasses or the five fee based service to access his education. Temecula Valley offered a similar amount of vision therapy to what Dr. Stephey recommended.

Student did not prove he required social skills services, or more reading intervention or vision therapy than what Temecula Valley offered. Student failed to prove Temecula Valley denied him a FAPE during the 2025-2026 school year through May 4, 2026, by failing to offer an appropriate frequency and duration of related services in social skills, reading intervention, and vision therapy.

Temecula Valley prevailed on Issue 3e.

ISSUE 3f: DID TEMECULA VALLEY DENY STUDENT A FAPE DURING THE 2025-2026 SCHOOL YEAR, THROUGH MAY 4, 2026, BY FAILING TO OFFER AND/OR IMPLEMENT AN APPROPRIATELY INTENSIVE READING, WRITING, AND MATH PROGRAM?

Student contends Temecula Valley's mixed use of three different reading programs and inconsistent implementation of those programs denied him a FAPE. Student also contends Temecula Valley accommodated his deficits in reading and writing instead of remediating it and teaching him how to read. Student contends he struggled with math problems because Temecula Valley had not taught him how to read.

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Temecula Valley contends it offered Student appropriate intensive reading intervention, writing, and math programs, and implemented those programs with fidelity. Temecula Valley further contends Student made progress in all areas, and despite Parents' preference for an alternative program, Student progressed using the Read Naturally program.

Student's implementation argument is addressed in Issue 3k. As determined in Issue 3e, Student did not prove he required additional or more intensive services than what Temecula Valley offered. Student failed to prove Temecula Valley denied him a FAPE by failing to implement an appropriately intensive reading, writing, and math program.

Temecula Valley prevailed on Issue 3f.

ISSUE 3g: DID TEMECULA VALLEY DENY STUDENT A FAPE DURING THE 2025-2026 SCHOOL YEAR, THROUGH MAY 4, 2026, BY FAILING TO OFFER AND/OR IMPLEMENT APPROPRIATE POSITIVE BEHAVIORAL INTERVENTIONS LISTED IN THE BEHAVIOR SUPPORT PLAN, SPECIAL CIRCUMSTANCE INSTRUCTIONAL ASSISTANCE ASSESSMENT, FUNCTIONAL BEHAVIORAL ASSESSMENT, AND DR. MORRIS'S RECOMMENDATIONS?

Student contends the data Temecula Valley collected regarding his behaviors did not accurately reflect the antecedent behavior. Specifically, Student argued the data sheets Temecula Valley used to track Student's behavior were not specific and did not provide any information on the antecedent to the behavior.

Temecula Valley contends Student failed to prove a FAPE denial because he did not offer any evidence that it failed to offer or implement appropriate behavioral interventions and that Student had made progress with his behavior.

Student relied on behavior logs Student's aide completed and sent home as evidence the data sheets were not specific. However, Student failed to demonstrate how the behavior logs proved Temecula Valley failed to offer or implement appropriate positive behavioral interventions. Student failed to offer any documentary evidence or testimony about what positive behavior interventions Temecula Valley failed to offer or implement that were described in a behavior intervention plan or recommended through assessments.

Student did not prove Temecula Valley denied him a FAPE during the 2025-2026 school year, through May 4, 2026, by failing to offer and/or implement appropriate positive behavioral interventions listed in the behavior support plan, special circumstance instructional assistance assessment, functional behavioral assessment, and Dr. Morris's recommendations.

Temecula Valley prevailed on Issue 3g.

ISSUE 3h: DID TEMECULA VALLEY DENY STUDENT A FAPE DURING THE 2025-2026 SCHOOL YEAR, THROUGH MAY 4, 2026, BY FAILING TO TIMELY HOLD AN IEP TEAM MEETING?

Student contends Parent requested an IEP team meeting on October 29, 2025, to follow up on the October 1, 2025 IEP team meeting. Student also contends Temecula Valley proposed a November 2025 IEP team meeting but rescheduled the meeting to December 12, 2025.

Temecula Valley contends it timely held all of Student's IEP team meetings.

Temecula Valley held IEP team meetings on October 1, 2025, and December 12, 2025, to review independent educational evaluations. Student withdrew from Temecula Valley on December 18, 2025, prior to his annual IEP review date. Student did not present any evidence that Parents requested another IEP team meeting following Student's exit from Temecula Valley or that the two meetings Temecula Valley held in October and December 2025 were untimely. Parents did not testify or offer any other evidence that established they requested an IEP team meeting on October 29, 2025, or that a meeting was scheduled for November 2025 and rescheduled to December 12, 2025. Accordingly, Student did not prove Temecula Valley denied him a FAPE by failing to timely hold an IEP team meeting during the 2025-2026 school year, through May 4, 2026.

Temecula Valley prevailed on Issue 3h.

ISSUE 3i: DID TEMECULA VALLEY DENY STUDENT A FAPE DURING THE 2025-2026 SCHOOL YEAR, THROUGH MAY 4, 2026, BY FAILING TO TIMELY ASSESS AND PRESENT ASSESSMENT RECOMMENDATIONS?

Student contends the December 12, 2025 IEP offer did not show a recommendation-by-recommendation analysis. Student also contends Temecula Valley did not reconcile conflicting occupational therapy evidence. Temecula Valley contends it timely and appropriately assessed Student when necessary in all areas of suspected disability.

Temecula Valley did not conduct any assessments during the 2025-2026 school year. Although Temecula Valley alleges it proposed to conduct an assistive technology and functional vision, or vision therapy, assessment, there was no evidence that Temecula Valley provided the assessment plan to Parents. Therefore, Parents did not consent to an assessment plan during the 2025-2026 school year, and Temecula Valley was not obligated to assess Student. Student's contentions do not involve the timing of assessments or the presentation of assessment results, and are therefore not persuasive. Student did not prove Temecula Valley denied him a FAPE during the 2025-2026 school year, through May 4, 2026, by failing to timely assess and present assessment recommendations.

Temecula Valley prevailed on Issue 3i.

ISSUE 3j: DID TEMECULA VALLEY DENY STUDENT A FAPE DURING THE 2025-2026 SCHOOL YEAR, THROUGH MAY 4, 2026, BY FAILING TO INVOLVE PARENTS IN THE IEP PLANNING, DATA KNOWLEDGE, AND GOAL SETTING PROCESS?

Student did not offer a contention in his closing brief specific to the 2025-2026 school year involving the IEP planning, data knowledge, and goal setting process. Student's third amended complaint makes a general allegation that Temecula Valley did not provide data to support Student's alleged academic growth.

Temecula Valley contends it involved Parents in the IEP process and provided Parents with the calculation of all the data collected.

Student did not present any evidence or testimony regarding how Temecula Valley failed to involve Parents in the IEP process during the 2025-2026 school year. Student failed to prove Temecula Valley denied him a FAPE during the 2025-2026 school year, through May 4, 2026, by failing to involve parents in the IEP planning, data knowledge, and goal setting process.

Temecula Valley prevailed on Issue 3j.

CONCLUSIONS AND PREVAILING PARTY

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

ISSUE 1, SUBSECTION a:

Temecula Valley did not deny Student a FAPE from December 17, 2023, through the end of the 2023-2024 school year, including extended school year 2024, by failing to offer appropriate placement and supports.

Temecula Valley prevailed on Issue 1, subsection a.

ISSUE 1, SUBSECTION b:

Temecula Valley did not deny Student a FAPE from December 17, 2023, through the end of the 2023-2024 school year, including extended school year 2024, by failing to conduct an assistive technology, augmentative and alternative communication, and vision processing assessment.

Temecula Valley prevailed on Issue 1, subsection b.

ISSUE 1, SUBSECTION c:

Temecula Valley did not deny Student a FAPE from December 17, 2023, through the end of the 2023-2024 school year, including extended school year 2024, by failing in its child find obligation regarding the vision processing assessment.

Temecula Valley prevailed on Issue 1, subsection c.

ISSUE 1, SUBSECTION d:

Temecula Valley denied Student a FAPE from December 17, 2023, through the end of the 2023-2024 school year, including extended school year 2024, by failing to offer meaningful academic goals.

Student partially prevailed on Issue 1, subsection d.

ISSUE 1, SUBSECTION e:

Temecula Valley denied Student a FAPE from December 17, 2023, through the end of the 2023-2024 school year, including extended school year 2024, by failing to offer an appropriate frequency and duration of related services in reading remediation.

Student partially prevailed on Issue 1, subsection e.

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ISSUE 1, SUBSECTION f:

Temecula Valley denied Student a FAPE from December 17, 2023, through the end of the 2023-2024 school year, including extended school year 2024, by failing to offer and/or implement an appropriately intensive reading program.

Student partially prevailed on Issue 1, subsection f.

ISSUE 1, SUBSECTION g:

Temecula Valley did not deny Student a FAPE from December 17, 2023, through the end of the 2023-2024 school year, including extended school year 2024, by failing to offer and/or implement appropriate positive behavioral interventions listed in the behavior support plan, special circumstance instructional assistance assessment, functional behavioral assessment, and Dr. Morris's recommendations.

Temecula Valley prevailed on Issue 1, subsection g.

ISSUE 1, SUBSECTION h:

Temecula Valley did not deny Student a FAPE from December 17, 2023, through the end of the 2023-2024 school year, including extended school year 2024, by failing to timely hold an IEP team meeting.

Temecula Valley prevailed on Issue 1, subsection h.

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ISSUE 1, SUBSECTION i:

Temecula Valley did not deny Student a FAPE from December 17, 2023, through the end of the 2023-2024 school year, including extended school year 2024, by failing to timely assess and present assessment recommendations.

Temecula Valley prevailed on Issue 1, subsection i.

ISSUE 1, SUBSECTION j:

Temecula Valley did not deny Student a FAPE from December 17, 2023, through the end of the 2023-2024 school year, including extended school year 2024, by failing to involve Parents in the IEP planning, data knowledge, and goal setting process.

Temecula Valley prevailed on Issue 1, subsection j.

ISSUE 1, SUBSECTION k:

Temecula Valley did not deny Student a FAPE from December 17, 2023, through the end of the 2023-2024 school year, including extended school year 2024, by failing to implement Student's IEP and specialized academic instruction with fidelity.

Temecula Valley prevailed on Issue 1, subsection k.

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ISSUE 2, SUBSECTION a:

Temecula Valley did not deny Student a FAPE during the 2024-2025 school\ year, including extended school year 2025, by failing to offer appropriate placement and supports.

Temecula Valley prevailed on Issue 2, subsection a.

ISSUE 2, SUBSECTION b:

Temecula Valley did not deny Student a FAPE during the 2024-2025 school year, including extended school year 2025, by failing to conduct an assistive technology, augmentative and alternative communication, and vision processing assessment.

Temecula Valley prevailed on Issue 2, subsection b.

ISSUE 2, SUBSECTION c:

Temecula Valley did not deny Student a FAPE during the 2024-2025 school year, including extended school year 2025, by failing in its child find obligation regarding the vision processing assessment.

Temecula Valley prevailed on Issue 2, subsection c.

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ISSUE 2, SUBSECTION d:

Temecula Valley denied Student a FAPE during the 2024-2025 school year, including extended school year 2025, by failing to offer meaningful academic goals.

Student partially prevailed on Issue 2, subsection d.

ISSUE 2, SUBSECTION e:

Temecula Valley denied Student a FAPE during the 2024-2025 school year, including extended school year 2025, by failing to offer an appropriate frequency and duration of related services in reading remediation.

Student partially prevailed on Issue 2, subsection e.

ISSUE 2, SUBSECTION f:

Temecula Valley denied Student a FAPE during the 2024-2025 school year, including extended school year 2025, by failing to offer and/or implement an appropriately intensive reading program.

Student partially prevailed on Issue 2, subsection f.

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ISSUE 2, SUBSECTION g:

Temecula Valley did not deny Student a FAPE during the 2024-2025 school year, including extended school year 2025, by failing to offer and/or implement appropriate positive behavioral interventions listed in the behavior support plan, special circumstance instructional assistance assessment, functional behavioral assessment, and Dr. Morris's recommendations.

Temecula Valley prevailed on Issue 2, subsection g.

ISSUE 2, SUBSECTION h:

Temecula Valley did not deny Student a FAPE during the 2024-2025 school year, including extended school year 2025, by failing to timely hold an IEP team meeting.

Temecula Valley prevailed on Issue 2, subsection h.

ISSUE 2, SUBSECTION i:

Temecula Valley did not deny Student a FAPE during the 2024-2025 school year, including extended school year 2025, by failing to timely assess and present assessment recommendations.

Temecula Valley prevailed on Issue 2, subsection i.

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ISSUE 2, SUBSECTION j:

Temecula Valley did not deny Student a FAPE during the 2024-2025 school year, including extended school year 2025, by failing to involve parents in the IEP planning, data knowledge, and goal setting process.

Temecula Valley prevailed on Issue 2, subsection j.

ISSUE 2, SUBSECTION k:

Temecula Valley denied Student a FAPE during the 2024-2025 school year, including extended school year 2025, by failing to implement Student's IEP and specialized academic instruction with fidelity.

Student prevailed on Issue 2, subsection k.

ISSUE 3, SUBSECTION a:

Temecula Valley did not deny Student a FAPE during the 2025-2026 school year, through May 4, 2026, by failing to offer appropriate placement and supports.

Temecula Valley prevailed on Issue 3, subsection a.

ISSUE 3, SUBSECTION b:

Temecula Valley denied Student a FAPE during the 2025-2026 school year, through May 4, 2026, by failing to conduct an assistive technology, augmentative and alternative communication, and vision processing assessment.

Student prevailed on Issue 3, subsection b.

ISSUE 3, SUBSECTION c:

Temecula Valley did not deny Student a FAPE during the 2025-2026 school year, through May 4, 2026, by failing in its child find obligation regarding the vision processing assessment.

Temecula Valley prevailed on Issue 3, subsection c.

ISSUE 3, SUBSECTION d:

Temecula Valley denied Student a FAPE during the 2025-2026 school year, through May 4, 2026, by failing to offer meaningful academic goals.

Student partially prevailed on Issue 3, subsection d.

ISSUE 3, SUBSECTION e:

Temecula Valley did not deny Student a FAPE during the 2025-2026 school year, through May 4, 2026, by failing to offer an appropriate frequency and duration of related services in social skills, reading remediation, and vision therapy.

Temecula Valley prevailed on Issue 3, subsection e.

ISSUE 3, SUBSECTION f:

Temecula Valley did not deny Student a FAPE during the 2025-2026 school year, through May 4, 2026, by failing to offer and/or implement an appropriately intensive reading, writing, and math program.

Temecula Valley prevailed on Issue 3, subsection f.

ISSUE 3, SUBSECTION g:

Temecula Valley did not deny Student a FAPE during the 2025-2026 school year, through May 4, 2026, by failing to offer and/or implement appropriate positive behavioral interventions listed in the behavior support plan, special circumstance instructional assistance assessment, functional behavioral assessment, and Dr. Morris's recommendations.

Temecula Valley prevailed on Issue 3, subsection g.

ISSUE 3, SUBSECTION h:

Temecula Valley did not deny Student a FAPE during the 2025-2026 school year, through May 4, 2026, by failing to timely hold an IEP team meeting.

Temecula Valley prevailed on Issue 3, subsection h.

ISSUE 3, SUBSECTION i:

Temecula Valley did not deny Student a FAPE during the 2025-2026 school year, through May 4, 2026, by failing to timely assess and present assessment recommendations.

Temecula Valley prevailed on Issue 3, subsection i.

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ISSUE 3, SUBSECTION j:

Temecula Valley did not deny Student a FAPE during the 2025-2026 school year, through May 4, 2026, by failing to involve Parents in the IEP planning, data knowledge, and goal setting process.

Temecula Valley prevailed on Issue 3, subsection j.

ISSUE 3, SUBSECTION k:

Temecula Valley denied Student a FAPE during the 2025-2026 school year, through May 4, 2026, by failing to implement Student's IEP and specialized academic instruction with fidelity.

Student prevailed on Issue 3, subsection k.

REMEDIES

Student proved Temecula Valley failed to offer appropriate academic goals at Student's annual IEP team meetings in May 2024 and February 2025. Student also proved Temecula Valley should have offered reading intervention before it did, and once it offered the reading intervention that it failed to implement it with fidelity. Finally, Student proved Temecula Valley should have conducted an assistive technology and vision processing assessment after the October 1, 2025 IEP team meeting.

Administrative Law Judges have broad latitude to fashion appropriate equitable remedies for the denial of a FAPE. (*School Comm. of Burlington v. Dept. of Educ.* (1985) 471 U.S. 359, 370 (*Burlington*); *Parents of Student W. v. Puyallup School Dist., No. 3* (9th Cir. 1994) 31 F.3d 1489, 1496 (*Puyallup*).) In remedying a FAPE denial, the student is

entitled to relief that is “appropriate” in light of the purposes of the IDEA, specifically providing Student with a FAPE which emphasizes special education and related services to meet Student’s unique needs. (20 U.S.C. § 1415(i)(2)(C)(iii); 34 C.F.R. § 300.516(c)(3); *Burlington, supra*, 471 U.S. at p. 374.)

School districts may be ordered to provide compensatory education or additional services to a student who has been denied a FAPE. (*Puyallup, supra*, 31 F.3d at p. 1496.) The authority to order such relief extends to hearing officers. (*Forest Grove School Dist. v. T.A.* (2009) 557 U.S. 230, 243-244, fn. 11 [129 S.Ct. 2484].) These are equitable remedies that courts and hearing officers may employ to craft “appropriate relief” for a party. (*Puyallup, supra*, 31 F.3d at p. 1496.) An award of compensatory education need not provide “day-for-day compensation.” (*Id.* at p.1497.) An award to compensate for past violations must rely on an individualized assessment, just as an IEP focuses on the individual student’s needs. (*Reid, supra*, 401 F.3d at p. 524.) The award must be fact specific. (*Ibid.*)

Student prevailed or partially prevailed on Issues 1d, 1e, 1f, 2d, 2e, 2f, 2k, 3b, 3d, and 3k. Student is entitled to a remedy for Temecula Valley’s failure to

- offer appropriate academic goals,
- offer reading intervention,
- implement the reading intervention with fidelity, and
- conduct assistive technology and vision processing assessments.

Student requested reimbursement for his after-school Barton tutoring from January 2025 through December 2025, in the amount of \$3,795 and transportation to and from the tutoring in the amount of \$48.96. Student also requested reimbursement for Lindamood Bell:

- \$49,525 for the academy from January 2026 through May 2026,
- the online 2026 summer program for \$7,200,
- transportation and tolls in the amount of \$11,989.68, and
- \$150 for a camera for the summer program.

Student also requested reimbursement for Dr. Stephey's assessment in the amount of \$1,800, and \$1,375 for vision therapy from Dr. Stephey. Student also requested prospective funding for

- continued services from Dr. Stephey in the amount of \$6,500,
- \$91,800 for a full year of tuition at Lindamood Bell for the 2026-2027 school year,
- \$8,000 for the summer 2027 Lindamood Bell program, and
- \$24,930 in transportation costs for the 2026-2027 school year.

Temecula Valley's failure to offer appropriate academic goals, failure to offer reading intervention until February 2025, and subsequent failure to implement the reading intervention with fidelity, all denied Student a FAPE. Student sought out after school tutoring for reading for which Parents are entitled to be reimbursed for in the amount of \$3,795, subject to proof of invoices and payment. Student's request for transportation reimbursement is unclear. Parents are entitled to reimbursement for one

roundtrip per tutoring session, subject to proof. Student will need to provide Temecula Valley with the address of the tutoring facility, days Student attended tutoring, and a map printout listing the roundtrip mileage.

Student did not prove the placement Temecula Valley offered was inappropriate; therefore, it is not equitable to award full reimbursement for Student's private placement at the Lindamood Bell academy. Additionally, Student did not prove he required extended school year; therefore, it is not appropriate to award reimbursement for the Lindamood Bell summer program.

However, Parents sought out additional services to cure Temecula Valley's failure to offer a reading intervention program and implement it with fidelity, therefore, they are entitled to half of the cost of the Lindamood Bell academy for January 2026 through May 2026, or \$24,762.50, also subject to proof of invoices and payment. Parents are also entitled to reimbursement for one roundtrip to Lindamood Bell academy for each day Student attended, subject to proof. Student will need to provide the address of the academy, days Student attended the academy, and a map printout listing the roundtrip mileage. Parents are not entitled to reimbursement for tolls and express lane charges.

Temecula Valley's failure to conduct an assistive technology assessment also denied Student a FAPE, and its failure to send a vision therapy assessment plan was a procedural violation. Parents cured Temecula Valley's procedural violation in failing to send a vision therapy assessment plan before it denied Student a FAPE by seeking out a vision therapy independent educational evaluation from Dr. Stephey. However, Parents' actions did not absolve Temecula Valley of its procedural violation and Student is entitled to a remedy. Additionally, according to Temecula Valley's assessment plan, a developmental optometrist would have conducted the vision therapy assessment.

Temecula Valley did not present any evidence that it had a developmental optometrist on its staff to conduct the assessment, and Dr. Stephey was a qualified optometrist. Therefore, it is equitable to award Parents reimbursement, or partial reimbursement, for the vision therapy assessment according to Temecula Valley's independent educational evaluation policy.

Neither Student nor Temecula Valley offered any evidence that Temecula Valley conducted an assistive technology assessment for Student. If Temecula Valley has not yet conducted an assistive technology assessment, Student is entitled to an independent assistive technology assessment by an assessor who meets the qualifications stated in Temecula Valley's guidelines for independent educational evaluations. If Temecula Valley has already conducted an assistive technology assessment, then Student has already received a remedy for Temecula Valley's failure to conduct an assistive technology assessment, and no additional remedy is necessary.

Temecula Valley offered Student vision therapy in the December 12, 2025 IEP. Student did not prove the services offered were inappropriate or insufficient, therefore, Parents are not entitled to reimbursement for the vision therapy they paid to Dr. Stephey. Similarly, Student did not prove he required future services from Dr. Stephey instead of the vision therapy Temecula Valley offered. Therefore, Parents are not entitled to reimbursement for Dr. Stephey's continued services.

Student did not prove he required continued placement at Lindamood Bell academy. Student also did not allege any issues regarding Temecula Valley's FAPE offer for the 2026-2027 school year. Therefore, Student is not entitled to reimbursement for Lindamood Bell for the 2026-2027 school year.

ORDER

1. Within 45 days of the date of this Decision, upon proof of invoices and payment by Parents, Temecula Valley shall reimburse Parents \$3,795 for reading tutoring from January 2025 through December 2025. Upon proof of mileage and attendance by Parents, Temecula Valley shall also reimburse Parents for mileage for one roundtrip at the IRS rate for each tutoring session.
2. Within 45 days of the date of this Decision, upon proof of invoices and payment by Parents, Temecula Valley shall reimburse Parent \$24,762.50 for half of the cost of the Lindamood Bell academy for January 2026 through May 2026. Upon proof of mileage and attendance by Parents, Temecula Valley shall also reimburse Parents for mileage for one roundtrip at the IRS rate for each day Student attended the Lindamood Bell academy.
3. Within 45 days of the date of this Decision, Temecula Valley shall reimburse Parents for Dr. Stephey's independent vision processing evaluation according to Temecula Valley's independent educational evaluation policy.
4. Within 30 days of the date of this Decision, Temecula Valley shall fund an independent assistive technology evaluation for Student from an assessor of Parent's choosing. If Temecula Valley has already conducted an assistive technology assessment, then it does not need

to fund an independent assistive technology evaluation. The assessor shall meet the qualifications stated in Temecula Valley's guidelines for independent educational evaluations.

5. Student's other requests for relief are denied.

RIGHT TO APPEAL THIS DECISION

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

Linda Dowd

Administrative Law Judge

Office of Administrative Hearings