

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

GLENDORA UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

CASE NO. 2026010420

DECISION

MARCH 9, 2026

On January 13, 2026, the Office of Administrative Hearings, called OAH, received a due process hearing request from Glendora Unified School District naming Student. Administrative Law Judge Theresa Ravandi heard this matter by videoconference on February 3, 2026.

Attorney Sarah Sutherland represented Glendora, and her paralegal Angie Arellano was present. Glendora's Executive Director of Special Education, Dr. Brian Murray, attended the hearing on Glendora's behalf. Parents appeared on behalf of Student. Father, referred to as Parent, attended the entire hearing and Mother was present intermittently.

At the parties' request, the matter was continued to February 23, 2026, for submission of written closing briefs. The record was closed, and the matter was submitted on February 23, 2026.

ISSUE

Is Glendora's psychoeducational evaluation of Student presented at the May 29, 2025, individualized education program, known as IEP, team meeting, legally compliant such that Student is not entitled to an independent psychoeducational evaluation at public expense?

JURISDICTION

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

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

The IDEA affords parents and local educational agencies the procedural protection of an impartial due process hearing with respect to any matter relating to the identification, assessment, or educational placement of the child, or the provision of a free appropriate public education, referred to as FAPE, to the child. (20 U.S.C. § 1415(b)(6) & (f); 34 C.F.R. § 300.511 (2006); Ed. Code, §§ 56501, 56502, and 56505; Cal. Code Regs., tit. 5, § 3082.) The party requesting the hearing is limited to the issues alleged in the complaint, unless the other party consents, and has the burden of proof by a preponderance of the evidence. (20 U.S.C. § 1415(f)(3)(B); Ed. Code, § 56502, subd. (i); *Schaffer v. Weast* (2005) 546 U.S. 49, 57-58, 62 [126 S.Ct. 528, 163 L.Ed.2d 387]; and see 20 U.S.C. § 1415(i)(2)(C)(iii).) Glendora requested this hearing and bore the burden of proof as to the sole issue. 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 just under eight years old and in second grade at the time of the hearing. Student resided with Parents within Glendora's geographic boundaries at all relevant times. Student was eligible for special education under the category of speech or language impairment.

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ISSUE: GLENDORA'S MAY 2025 PSYCHOEDUCATIONAL EVALUATION OF STUDENT WAS LEGALLY COMPLIANT SUCH THAT STUDENT IS NOT ENTITLED TO AN INDEPENDENT PSYCHOEDUCATIONAL EVALUATION AT PUBLIC EXPENSE

Glendora contends its May 2025 psychoeducational assessment of Student met all legal requirements. Glendora asserts it timely filed to defend its assessment following Parent's December 5, 2025 request for an independent psychoeducational evaluation. Accordingly, Glendora argues Student is not entitled to a publicly funded independent psychoeducational evaluation.

Parents assert Glendora failed to comprehensively assess Student's attention deficit hyperactivity disorder and related symptoms relevant to eligibility under the category of other health impairment. Parents allege Glendora improperly focused on Student's high academic scores and failed to properly consider the impact of his disability-related symptoms on his social, emotional, and behavioral functioning. Parents contend Glendora's assessment was not reliable as it was based on inaccurate discipline records and failed to consider all of Student's behavior incidents. Lastly, Parents assert Glendora unreasonably delayed in filing to defend its assessment which also entitles Student to a publicly funded independent psychoeducational evaluation.

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GLENDORA COMPLIED WITH NOTICE, CONSENT, AND TIMELINE REQUIREMENTS FOR CONDUCTING AND REVIEWING ASSESSMENTS

In California, evaluations are referred to as assessments. (Ed. Code, § 56302.5.) The terms evaluation and assessment are used interchangeably throughout this Decision. A school district has an ongoing duty to reassess the educational needs of a special education student. A student receiving special education services must be reassessed at least once every three years or more frequently if conditions warrant, or if a parent or teacher requests an assessment. (20 U.S.C. § 1414(a)(2)(B); 34 C.F.R. § 300.303 (2006); Ed. Code, § 56381, subd. (a).)

Glendora initially found Student eligible for special education in October 2021 based on a speech or language impairment, specifically articulation. Student was three years old at the time of his initial eligibility. At age five, Student was diagnosed with acute myeloid leukemia. Student participated in home hospital instruction for much of kindergarten, the 2023-2024 school year, because of his cancer diagnosis and treatment. Parents were concerned with Student's behavior, impulsivity, and peer interactions over the course of his first-grade year, the 2024-2025 school year. Worried that Student might be having a trauma reaction following his cancer diagnosis and treatment, Parents had Student participate in general education counseling services.

When Student was seven years old, his doctor diagnosed him with attention deficit hyperactivity disorder. Parents believed Glendora inappropriately disciplined Student based on disability-related behaviors. They wanted to know if Student qualified

for any special education services in addition to speech and language, or whether he qualified under additional eligibility categories. Parents asked Glendora to conduct a comprehensive assessment.

A psychoeducational assessment generally evaluates a student's cognitive, academic, and social-emotional functioning to understand their learning profile, identify strengths and weaknesses, and gain a comprehensive understanding of how a student learns and functions in an educational setting. Glendora had not conducted a psychoeducational evaluation of Student as part of his initial special education eligibility assessment nor as part of his September 2024 triennial assessment. Glendora conducted Student's initial May 2025 psychoeducational evaluation at issue in this hearing at Parents' request.

Reassessments require parental consent. (20 U.S.C. § 1414(c)(3); 34 C.F.R. § 300.300(c)(1)(i) (2008); Ed. Code, § 56381, subd. (f)(1).) To obtain parental consent for a reassessment, the school district must provide the parent with proper notice. (20 U.S.C. §§ 1414(b)(1), 1415(b)(3) & (c)(1); 34 C.F.R. § 300.300 (c) (2008); Ed. Code, §§ 56321, subd. (a), 56329.) The notice consists of a proposed written assessment plan describing any evaluation procedures the district proposes to use, and a copy of procedural safeguards under the IDEA and state law. (20 U.S.C. § 1414(b)(1); 34 C.F.R. § 300.304(a) (2006); Ed. Code, § 56321, subd. (a).)

On April 11, 2025, Glendora provided Parents with a written assessment plan proposing to assess, in relevant part, Student's cognitive functioning, academic achievement, adaptive skills, and social-emotional and behavioral functioning. Glendora

provided Parents a copy of procedural safeguards along with the assessment plan. Parents signed written consent to the assessment plan on April 13, 2025, which Glendora received electronically that same day.

The assessment must be completed, and an IEP team meeting held, within 60 days of receiving consent to assess, exclusive of school vacations in excess of five school days and other specified days not applicable here. (20 U.S.C. § 1414(a)(1)(C); 34 C.F.R. § 300.301(c) (2007); Ed. Code, §§ 56043, subds. (f)(1), 56302.1, subd. (a), and 56344, subd. (a).) Upon completion of an assessment, the district shall provide the parent a copy of the evaluation report and the documentation of determination of eligibility. (20 U.S.C. § 1414(b)(4)(B); 34 C.F.R. § 300.306(a)(2) (2017); Ed. Code, § 56329, subd. (a)(3).)

Glendora completed Student's psychoeducational assessment in May 2025. Glendora scheduled an IEP team meeting for May 29, 2025, to review the assessment results with Student's IEP team including Parents. Glendora provided a copy of the psychoeducational evaluation report to Parents a few days prior to the IEP team meeting. Glendora's assessors reviewed their findings at the May 29, 2025 IEP team meeting within 47 days of receiving Parents' written consent to assess. Parents participated in this IEP team meeting with their counsel.

Glendora established that it complied with notice, consent, and timeline requirements for conducting and reviewing its psychoeducational assessment of Student. It provided Parents with a copy of the assessment report upon completion and timely reviewed it at an IEP team meeting with Parents.

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GLENDORA TIMELY FILED TO DEFEND ITS ASSESSMENT

The procedural safeguards of the IDEA provide that under certain conditions parents are entitled to obtain an independent educational evaluation of their child at public expense. (20 U.S.C. § 1415(b)(1); 34 C.F.R. § 300.502(a) & (b) (2006); Ed. Code, §§ 56329, subd. (b), 56506, subd. (c).) An independent evaluation is an evaluation conducted by a qualified examiner not employed by the school district. (34 C.F.R. § 300.502(a)(3)(i) (2006).) A parent has the right to request an independent educational evaluation at public expense if the parent disagrees with the school district's evaluation. (34 C.F.R. § 300.502(b)(1) (2006); Ed. Code, § 56329, subd. (b).)

When a parent requests a publicly funded independent educational evaluation, the school district must, without unnecessary delay, either initiate a due process hearing to show that its evaluation is appropriate, or ensure that an independent evaluation is provided at public expense. (20 U.S.C. § 1415(b)(1); 34 C.F.R. § 300.502(b)(2) (2006); see Ed. Code, § 56329, subd. (c); *Baquerizo v. Garden Grove Unified School Dist.* (9th Cir. 2016) 826 F.3d 1179, 1185.) The term "unnecessary delay" is not defined in the federal regulations. The United States Department of Education, Office of Special Education Programs, called OSEP, explained the meaning of "unnecessary delay." "It permits ... a reasonably flexible, though normally brief, period of time that could accommodate good faith discussions and negotiations between the parties over the need for, and arrangements for, an [independent educational evaluation]." (*Letter to Anonymous* (OSEP Aug. 13, 2010) 56 IDELR 175.) Some delay in the provision of an independent evaluation, or in filing for a due process hearing after declining to fund an independent evaluation, is reasonable, if the school district and the parent are engaging in active communications, negotiations, or other attempts to resolve the matter. (*J.P. v. Ripon*

Unified School Dist. (E.D. Cal. April 15, 2009, No. 2:07-cv-02084-MCE-DAD) 2009 WL 1034993 (*Ripon*) [more than two-month delay reasonable]; *L.C. v. Alta Loma School Dist.* (9th Cir. 2021) 849 Fed. Appx. 678, 680 (*L.C.*) [delay in filing for over three months found reasonable].)

The determination of unnecessary delay is a fact-specific inquiry which involves more than the length of time between an independent evaluation request and the date a district files to defend its assessment. (*C.W. v. Capistrano Unified School Dist.* (9th Cir. 2015) 784 F.3d 1237, 1247 [claim that a 41-day delay was unnecessary was not frivolous] citing *Ripon, supra*, 2009 WL 1034993 at pp. 7-8.) In *Ripon*, the Court determined that the school district's due process request, filed more than two months after the request for an independent evaluation, was timely, as the parties were communicating regarding the request in the interim, and did not come to an impasse on the issue until less than three weeks before the school district's filing. (*Ripon, supra*, 2009 WL 1034993, at pp. 7-8.) Additionally, the independent evaluation request was made right before the district's winter break, a fact which reasonably explained some period of delay. A school break that occurs while an independent evaluation request is pending "must also be considered in determining the timeliness of the District's due process request." (*L.C., supra*, 849 Fed. Appx. 678, 680 referencing *Ripon, supra*, 2009 WL 1034993 at p.7.)

When a school district's delay is "unexplained," that weighs in favor of finding unnecessary delay. (*L.C., supra*, 849 Fed. Appx. 678, 680 referencing *Pajaro Valley Unified School Dist. v. J.S.*, (N.D. Cal. Dec. 15, 2006, No. C 06-0380 PVT), 2006 WL 3734289, at p.3 (*Pajaro*)). In *Pajaro*, the school district offered no explanation as to why it waited 11 weeks after student requested an independent evaluation to file to defend its assessment, or why that delay was necessary. (*Pajaro, supra*, 2006 WL

3734289, at p. 3.) The Court found that the school district's unexplained and unnecessary delay in filing for a due process hearing waived its right to contest the student's request for an independent evaluation at public expense, and by itself warranted judgment in favor of the student and parent. (*Ibid.*)

Here, Parent informed Glendora that he disagreed with its May 2025 psychoeducational assessment of Student and requested an independent psychoeducational evaluation on Friday, December 5, 2025. Parent also requested an independent functional behavior assessment, not at issue in this hearing. He asked that Glendora respond within five business days. While Parent believed five business days was a reasonable period of time to respond, Glendora was not legally required to respond within Parent's preferred time frame. Glendora responded on December 17, 2025.

Murray, Glendora's special education director, testified at hearing. Murray obtained a master's degree in school psychology in 1991 and a doctorate in educational psychology in 2004. He held a pupil personnel services credential and an administrative credential. Murray had been a public-school administrator for more than 20 years and served as Glendora's executive director of special education since 2021. Murray wrote a December 16, 2025 prior written notice in response to Parent's request for an independent evaluation. He emailed the prior written notice to Parents on December 17, 2025, and included a copy of their procedural rights and safeguards.

Glendora's December 2025 prior written notice granted Parent's request for an independent functional behavior evaluation but denied an independent psychoeducational evaluation. The notice informed Parents that Glendora denied the evaluation based on the parties' June 3, 2025 settlement agreement. Breach

or interpretation of the settlement agreement was not at issue in this hearing. However, the settlement agreement provided a factual context surrounding the parties' communications and attempts to resolve the independent evaluation request. The settlement agreement was admitted into evidence.

On June 3, 2025, Glendora and Parents entered into a settlement agreement to resolve a pending Student-filed request for due process. Both parties were represented by counsel. As part of the settlement agreement, Parents agreed Glendora's May 2025 psychoeducational assessment of Student was appropriate. Parents also agreed they would not request an independent psychoeducational evaluation unless one of two conditions were met, either:

- Glendora conducted a new psychoeducational assessment of Student with which Parents disagreed; or
- new information arose which warranted a request for an independent psychoeducational evaluation.

In the December 2025 prior written notice, Murray referenced the first condition as grounds for denying Parent's request. He explained Glendora was denying the request because Parents had agreed the May 2025 evaluation was appropriate and Glendora had not reassessed Student. Murray informed Parents the contractual condition that would permit Parents to request an independent psychoeducational evaluation had not occurred. Murray asked Parents to confirm in writing that they would comply with the settlement agreement and rescind their request. At hearing, Murray explained it was not an easy decision to file for due process against a parent. He preferred to work with parents and provide them information and an opportunity

to reconsider a request before pursuing litigation. Glendora's December 2025 prior written notice was an attempt to resolve Parents' request and remind them of their past agreement.

Parent and Murray exchanged several emails on December 17, 2025, after Glendora sent its prior written notice. Parent emailed Murray requesting clarification of Glendora's response to his requested independent educational evaluation. Parent stated he had not received written approval, denial, or notice that Glendora had filed for due process regarding the requested evaluation. Parent did not specify to which evaluation he was referring.

Murray replied a couple hours later and referred Parent to the prior written notice sent earlier that day. Murray summarized the notice and attached another copy along with a copy of the settlement agreement. Parent replied within the hour. He confirmed receipt of the prior written notice and acknowledged Glendora's agreement to fund an independent behavior evaluation. Parent continued to request an independent psychoeducational evaluation and asked Glendora to clarify its position in that regard. Parent explained his request was based on new information and changed circumstances such that it was not barred by the parties' settlement agreement.

These email communications occurred two days before Glendora's two-week winter break which began December 19, 2025, at the end of the school day. The first day of school following winter break was Monday, January 5, 2026.

On January 6, 2026, Murray responded to Parent's December 17, 2025, email request for clarification with a supplemental prior written notice. He included another copy of procedural safeguards. Glendora continued to deny Parent's request for an

independent psychoeducational evaluation. Murray explained that Glendora did not agree that there were changed circumstances as contemplated by the settlement agreement that would warrant Parent's independent psychoeducational request. Further, Murray explained Glendora's assessment of Student was appropriate, and Glendora would file to defend it if Parent did not withdraw the request by January 30, 2026.

In a January 8, 2026 email to Murray, Parent acknowledged receipt of the second prior written. Parent confirmed he continued to disagree with Glendora's assessment and its denial of his requested independent psychoeducational evaluation. Glendora filed for due process to defend its assessment five days later on January 13, 2026.

Parent was frustrated that Glendora did not file as soon as it decided the settlement agreement barred Parent's request. Several times Parent reminded Glendora that it was required to either fund the requested evaluation or file for due process. However, the law allows for a reasonable, relatively brief, period of time for a school district to consider and discuss a requested independent evaluation prior to filing for due process. The parties were engaged in active communications in an attempt to understand and potentially resolve the disputed request.

Determining unnecessary delay hinges on a factual analysis and whether there is a reasonable explanation for any period of delay. The evidence established Glendora filed for due process without unnecessary delay. Within 12 days of Parent's December 5, 2025 independent evaluation request, Glendora reminded Parents of the parties' June 2025 settlement agreement which it believed barred the request. Parents were no longer represented by counsel. Glendora wanted to afford Parents the opportunity to

reconsider their request given the terms of the settlement agreement. The parties were actively communicating in attempts to resolve the evaluation request on December 17, 2025, two days before the two-week winter break.

Parent explained why he believed the settlement agreement did not bar his request. Even while confirming he was not withdrawing his request for an independent evaluation, Parent's final December 17, 2025 email response noted that he was writing to clarify Glendora's position. The parties were not yet at impasse.

Glendora responded with its clarification one day after it returned from winter break. It then filed for due process one week later on January 13, 2026, 39 days after the initial request. On the facts of this case, including the intervening winter break, there was no undue delay.

Glendora established it filed for due process to defend its psychoeducational assessment of Student without unnecessary delay.

QUALIFIED ASSESSORS USED A VARIETY OF TESTING STRATEGIES

Murray selected school psychologist Erin Monjaraz and education specialist Alexandria Lopez to conduct Student's psychoeducational assessment. Both assessors testified at hearing.

Trained, knowledgeable, and competent district personnel must administer the assessments. (20 U.S.C. § 1414(b)(3)(A)(iv); Ed. Code, §§ 56320, subd. (b)(3), 56322.) Assessments must be conducted by individuals who are both knowledgeable of the student's disability and competent to perform the assessment, as determined by the local educational agency. (Ed. Code, §§ 56320, subd. (g), 56322; see 20 U.S.C.

§ 1414(b)(3)(A)(iv).) A psychological assessment, including tests of intelligence and emotional functioning, must be conducted by a credentialed school psychologist. (Ed. Code, §§ 56324, subd. (a), 56320, subd. (b)(3).) The evidence showed Glendora's assessors were knowledgeable of Student's suspected disabilities and competent to perform their respective assessments.

Monjaraz assessed Student pursuant to the April 2025 assessment plan in the areas of cognitive development and processing, adaptive skills, social-emotional functioning, and behavior and was qualified to do so. She had a master's degree in school psychology, held a pupil personnel services credential which allowed her to work as a school psychologist, and was licensed as an educational psychologist. Monjaraz served as a school psychologist with Glendora since August 2022 and had conducted more than 300 psychoeducational evaluations of students. Monjaraz was familiar with Student's educational functioning, and knowledgeable about the assessment process, results, and report that she compiled. She was thoughtful and thorough in answering questions on direct and cross examination. Monjaraz was a credible witness, and her testimony was given substantial weight.

Monjaraz identified specific learning disability and other health impairment as additional suspected areas of disability for Student. Monjaraz' identification of Student's suspected areas of disability was reasonable and based on Student's medical diagnosis of attention deficit hyperactivity disorder, Parents' concerns and request for assessment, and record review. Monjaraz was familiar with these suspected areas of disability based on her education, training, credential, and work experience. She was experienced in assessing for these disabilities. A psychoeducational assessment looks at a student's cognitive functioning and academic abilities. Monjaraz knew Student was intelligent,

but she wanted to determine if there were any gaps in his knowledge or ability suggestive of a learning disability. She was qualified to compare Student's academic testing scores to his cognitive testing results. She also wanted to understand how Student was adjusting to school socially and emotionally since he missed much of his kindergarten year because of cancer treatment.

Lopez completed the academic achievement testing portion of Student's psychoeducational assessment and was qualified to do so. She had a master's degree in education and was a credentialed special education teacher for students with mild to moderate disabilities. Lopez worked as an education specialist for over five years and served in this capacity with Glendora since October 2023. She regularly conducted academic assessments of students as part of her duties as an education specialist. Lopez was a qualified assessor based on her credentials, knowledge, and experience. Glendora established that qualified assessors conducted Student's May 2025 psychoeducational assessment.

In conducting an assessment, a school district must follow statutory guidelines. In performing an assessment, a school district must review existing assessment data, including information provided by the parents and observations by teachers and service providers. (20 U.S.C. § 1414(c)(1)(A); 34 C.F.R., § 300.305 (2007); Ed. Code, § 56381, subd. (b)(1). A school district must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent. (20 U.S.C. § 1414(b)(2)(A); 34 C.F.R. § 300.304(b)(1) (2006); see also Ed. Code, § 56320, subd. (b)(1).)

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Glendora established that its psychoeducational assessment properly gathered relevant functional, developmental, and academic information about Student using a variety of assessment strategies. Monjaraz collected data from multiple sources. She reviewed Student's education records which included

- report cards,
- attendance records,
- general education intervention history,
- IEPs, and
- discipline entries.

Student's discipline records documented eight behavior incidents, two suspensions, and two lunch detentions as of the time of the assessment. His behaviors included physical aggression and inappropriate comments. Parent contended, but did not establish, that Student's discipline entries were inaccurate and unreliable.

Parent testified at hearing. He was a dedicated and concerned advocate. Parent believed Glendora's assessment did not provide a full picture of his son or how to best support him. Parent contended Monjaraz should have considered Student's "pink slips" which were informal notes from the aide documenting behavior concerns. Parent contended the pink slips painted a more complete picture of Student's behaviors and how these behaviors negatively impacted his education. It was not Monjaraz' practice to review pink slips as part of a student's psychoeducational assessment. Rather, she relied on the official discipline entries in combination with Parent and teacher reports of Student's behaviors. Monjaraz conducted a thorough record review and solicited Parent

and teacher input which provided her a good understanding of Student's behaviors and their educational impact. Glendora's failure to review Student's pink slips as part of its assessment process did not render the assessment legally deficient.

The IDEA and its implementing regulations require that assessments include a means of obtaining and incorporating parent input. Monjaraz had Parents complete an interview questionnaire and a health and development survey to better understand their concerns and to inform her assessment. Parents generally reported Student had trouble with self-control, paying attention, and following directions. Monjaraz also interviewed Student and his first-grade teacher who had worked with Student all year long. Student reported no school concerns. His teacher reported that Student was strong academically but had poor peer interactions. Teacher comments on report cards revealed weaknesses in focus, listening, and self-control.

In conducting an assessment, a district must ensure that the student is observed in their learning environment, including the regular classroom setting, to document academic performance and behavior in areas of difficulty. (34 C.F.R. § 300.310(a) (2006); Ed. Code, § 56341, subd. (c).) Monjaraz observed Student in his first-grade classroom and at recess on separate days. In class Student was engaged, interactive, and followed instructions though he did attempt to interrupt his peers. She included a playground observation because his teacher noted that most of Student's behavior incidents occurred in an unstructured setting outside the classroom. Monjaraz did not observe any concerns at recess. Student played alone and with a peer and followed recess rules.

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Monjaraz also observed Student during her formal testing sessions. She tested Student over four sessions in a one-to-one, relatively distraction free setting. He was interested in his surroundings but easily re-directed. Student readily participated in the assessment, and he was engaged and attentive. He was in constant motion, rocking in his seat, but remained focused on the task before him. Student enjoyed completing tasks and responded well to praise.

In his closing brief, Parent argues Glendora's assessment was deficient because Monjaraz only observed Student in an unstructured setting once. Glendora met its legal obligation to observe Student in an appropriate setting. Further, Monjaraz did not solely rely on the one recess observation to assess Student's behavior and peer interactions during unstructured time. Rather, she also relied on Parent and teacher interviews, rating scales, and record review.

Glendora's psychoeducational evaluation included both quantitative and qualitative measures. Specifically, standardized testing provided quantitative data while interviews, observations, and rating scales provided more subjective or qualitative data. Monjaraz administered five standardized test instruments to Student and two rating scales to both Parent and teacher. Lopez administered one academic test instrument to Student. Monjaraz consulted with Lopez regarding Student's academic testing and relied on Lopez' test results in determining that Student did not appear to meet criteria for having a specific learning disability. The testing instruments are discussed next.

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Monjaraz gained a good understating of Student's educational functioning and his strength and weaknesses from

- Parents,
- Student,
- his teacher,
- her own observations,
- record review,
- consultation with Lopez, and
- formal testing measures.

The data obtained from these multiple strategies was generally consistent.

Glendora established that its assessors used a variety of assessment tools and strategies to gather relevant information about Student, including

- record review,
- teacher,
- Parent and Student input,
- observations, and
- standardized formal testing measures and rating scales.

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ASSESSORS APPROPRIATELY ADMINISTERED PROPER INSTRUMENTS

Assessments and other evaluation materials must be administered and scored by trained and knowledgeable personnel in accordance with the test developer's instructions. (20 U.S.C. § 1414(b)(3)(A)(iv) & (v); 34 C.F.R. § 300.304(c)(1)(iv) & (v) (2006); Ed. Code, § 56320, subd. (b)(3).) No single measure may be used as the sole criterion for determining whether the student has a disability or determining an appropriate educational program for the student. (20 U.S.C. § 1414 (b)(2)(B); 34 C.F.R. § 300.304(b)(2) (2006); Ed. Code, § 56320, subd. (e).) Rather, the assessor must use a variety of technically sound instruments. (20 U.S.C. § 1414 (b)(2)(A); 34 C.F.R. § 300.304(b)(1) & (2) (2006).) Technically sound instruments are those shown through research to be valid and reliable. (*Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities*, 71 Fed.Reg. 46540-46541, 46642 (Aug.14, 2006).)

In selecting assessment tools, special attention must be given to the child's unique educational needs. (Ed. Code, § 56320, subds. (c) & (g).) An assessment tool must provide relevant functional and developmental information that directly assists in determining the child's educational needs. (34 C.F.R. § 300.304(c)(7) (2006).) The selected instruments must also assess the relative contribution of cognitive and behavioral factors, as well as physical or developmental factors. (20 U.S.C. § 1414(b)(2)(C); 34 C.F.R. § 300.304(b)(3) (2006).) Tests and assessment materials must be selected and administered so as not to be discriminatory on a racial or cultural basis; must be provided and administered in the student's primary language and in the form

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most likely to yield accurate information on the student's functioning; and must be used for the purposes for which the measures are valid and reliable. (20 U.S.C. § 1414(b)(3)(A)(i), (ii) & (iii); 34 C.F.R. § 300.304 (c)(1) (2006); Ed. Code, § 56320, subds. (a) [includes prohibition against sexually discriminatory tools or methods], (b)(1) & (2).)

If the evaluation procedures required by law are met, the selection of particular testing or evaluation instruments is at the discretion of the school district. (*Letter to Anonymous* (OSEP Sept. 17, 1993) 20 IDELR 542.) The determination of what tests are required is made based on information known at the time. (See *Vasherresse v. Laguna Salada Union School Dist.* (N.D. Cal. 2001) 211 F.Supp.2d 1150, 1157-1158.)

ACADEMIC TESTING

By all accounts Student was intelligent with high academic abilities. Testing confirmed this. Lopez administered one standardized, nationally normed, valid instrument to assess Student's academic abilities, the Wechsler Individual Achievement Test, Fourth Edition. She selected this tool because it was a comprehensive instrument that measured achievement in areas of

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

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Lopez was trained and experienced in using this measure. Lopez tested Student over a two-week period in multiple 30-minute sessions. Student's testing took longer than usual because of his high academic abilities. Student answered more difficult items correctly and was able to advance farther through many of the tests as compared to same age peers. Student did not demonstrate any academic weaknesses. He scored average or higher in all areas. Student's listening comprehension and math problem solving were in the average range. His overall written expression was high average with spelling extremely high, in the 98th percentile. Student was able to correctly spell fifth-grade level words. His reading fluency and math calculations skills were very high, and his basic reading skills were extremely high. Student showed mastery of reading skills that his same age peers were just learning.

Student willingly participated in the testing and the results were a good reflection of Student's academic skills. Lopez administered the tests in English, Student's primary language, and in a non-discriminatory manner. She administered the tests and scored the results in accordance with the test publisher's instructions. Lopez had no concerns with the reliability of Student's results. He was an engaged and cooperative participant in the assessment process, and the results accurately represented his academic abilities.

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COGNITIVE TESTING

Monjaraz carefully selected test measures to ensure she obtained a reliable, complete, and accurate representation of Student's cognitive processing strengths and any weaknesses. Monjaraz administered the following five standardized, nationally normed, and valid cognitive instruments:

- Wechsler Intelligence Scale for Children, Fifth Edition;
- Cognitive Assessment System, Second Edition;
- Comprehensive Test of Phonological Processing, Second Edition;
- Wide Range Assessment of Memory and Learning, Third Edition;
- and
- Beery Developmental Test of Visual-Motor Integration, Sixth Edition.

In combination, these tools measured all aspects of cognitive processing, specifically:

- attention and executive functions;
- fine motor;
- fluid reasoning;
- oral language;
- phonological, visual-spatial, and orthographic processing; and processing speed; and
- verbal and visual-spatial working memory, and verbal long-term recall.

Monjaraz was trained and experienced in using each measure and administered and scored each in accordance with the test publishers' instructions. She administered each instrument in Student's primary language, and in a non-discriminatory manner. Student put forth his best effort, and the results provided a good reflection of his cognitive processing profile.

Monjaraz used a cross-battery analysis of Student's processing test scores across measures to identify Student's pattern of processing strengths and any weaknesses. Student scored in the average range compared to same age peers in six of the 12 processing areas; above average in four areas; and in the very high range in two areas. For example, Student scored in the average range in attention which measured his ability to tune out distractions, to focus, and to sustain and divide attention. He also scored average in executive functioning which measured attention, emotional regulation, flexibility, and organization. He scored above average in phonological and orthographic processing. Student scored very high in visual-spatial processing and fluid reasoning, demonstrating excellent problem-solving skills.

Student's cognitive testing scores were valid and reliable for determining his processing strengths and to assist in determining special education eligibility and appropriate programming. Student did not have any cognitive processing weaknesses.

SOCIAL-EMOTIONAL, ADAPTIVE, AND BEHAVIOR TESTING

Monjaraz also administered standardized rating scales to Parent and to Student's teacher. These individuals knew Student well. They knew how he responded to different situations in different settings. Monjaraz carefully selected rating scales that would yield a good understanding of Student's adaptive skills and whether any social, emotional or

behavior issues were impeding his ability to learn. She selected the Behavior Assessment System for Children, Third Edition, which measured adaptive skills as well as emotional and behavioral disorders, including attention issues. She selected the Conners Rating Scale, Fourth Edition, which gathered information about attention deficit hyperactivity disorder and related conditions such as depression and anxiety. Monjaraz was trained and experienced in using both rating scales and administered and scored them in accordance with the test publishers' instructions.

There were many similarities between the raters on both scales. The Behavior Assessment System included a validity index which noted if there was a concern with a rater's responses. Teacher's score on the F Index, which measured a tendency to falsify or exaggerate, fell in the extreme caution range. Monjaraz explained at hearing and in her assessment report, that the teacher endorsed items reflecting high levels of maladaptive behavior or emotional distress. This could signify the presence of high levels of maladaptive behavior or distress or that the teacher was perceiving Student's behaviors or symptoms as more severe than they actually were. The validity cautionary note did not invalidate the rating scale. Rather, it indicated a need to interpret the teacher's ratings with caution and consider the ratings in relation to all available data. Monjaraz did so. She individually analyzed the teacher's ratings and compared them with information gathered from other sources, including a second rating scale, before forming conclusions.

Both Parent and Teacher noted concerns with Student's adaptive skills placing him overall in the at-risk range. Teacher had greater concerns with Student's social skills, rating them as clinically significant. Parent and Teacher did not report concerns with internalizing behaviors such as anxiety or depression. Both noted concerns with

attention, placing him in the at-risk range. Both noted clinically significant concerns with externalizing behaviors including impulsiveness and aggression. The raters' reports of impulsivity and attention concerns were consistent with Student's diagnosis of attention deficit hyperactivity disorder.

On the Conners Rating Scale, Parent noted significant concerns with inattention and executive dysfunction, hyperactivity, and impulsivity, and moderate concerns with emotional dysregulation. Teacher noted significant concerns with emotional dysregulation, moderate concerns with impulsivity, mild concerns with inattention, and no concerns with hyperactivity. Both raters indicated concerns with the impact of Student's emotional and behavioral symptoms on his peer interactions. Overall, Parent's ratings showed a very high probability of attention deficit hyperactivity disorder, and Teacher's ratings showed a high probability. These ratings were consistent with Student's diagnosis of attention deficit hyperactivity disorder.

Based on the social, emotional, and behavioral rating scales, Student exhibited inattention, hyperactivity, and behavioral dysregulation. These impacted his peer interactions.

In summary, Glendora's assessors used a variety of technically sound tools that were valid and reliable for the purposes for which they were used, and administered them in a non-discriminatory manner. They were qualified to use and had experience using the selected tools, and administered and scored each measure pursuant to the test developers' instructions. They administered them in English, Student's primary language, and in a manner most likely to yield accurate information on what Student knew and could do developmentally and functionally. The tools were designed to provide relevant information to assist the IEP team in determining Student's special

education eligibility and educational needs. The test results were not the result of environmental, cultural or economic disadvantages. Monjaraz did not rely on any single measure or result in determining Student's educational needs or making recommendations for Student's educational program.

Glendora established its assessors appropriately administered proper testing instruments to measure Student's academic, cognitive, adaptive, social, emotional, and behavioral functioning and needs.

THE ASSESSMENT WAS SUFFICIENTLY COMPREHENSIVE

The purpose of a special education assessment is to identify special education eligibility and a student's individual needs. The IDEA and California state law require that a school district assess a student in all areas of suspected disability. (20 U.S.C. § 1414(b)(3)(B); see 34 C.F.R. § 300.304(c)(4) (2006); Ed. Code, § 56320, subd. (f) [must assess all areas related to the suspected disability].) A district must ensure the evaluation is sufficiently comprehensive to identify all of the child's needs for special education and related services, whether or not commonly linked to the identified disability category. (34 C.F.R. § 300.304(c)(6) (2006).)

Parents requested the psychoeducational assessment at issue in this hearing. They believed Student's behaviors and attention deficit hyperactivity disorder diagnosis and related symptoms warranted additional special education eligibility determinations and services. Monjaraz reasonably determined Student should be assessed for special education eligibility in the area of other health impairment. Glendora had not previously conducted a psychoeducational assessment of Student. Psychoeducational assessments evaluate cognitive and academic functioning to determine if there are any processing

deficits or academic gaps. Monjaraz also reasonably determined specific learning disability was a potential suspected area of disability. Student's eligibility under speech or language impairment was addressed by a separate speech and language assessment not at issue in this hearing. Further, Glendora conducted a functional behavior assessment of Student to gain a better understanding of how to address his specific behaviors. That behavior assessment is not at issue here as Glendora granted Parent's request for an independent functional behavior assessment

Monjaraz and Lopez assessed Student in the areas of cognitive development, academics, social-emotional functioning, and behavior, including adaptive skills. Glendora's psychoeducational assessment comprehensively identified Student's cognitive processing strengths, and determined Student had no cognitive weaknesses based on his performance across five separate testing instruments. Glendora comprehensively assessed Student's academic abilities through a standardized comprehensive testing measure as well as record review and teacher input. It thoroughly assessed Student's adaptive skills and whether any social, emotional, or behavior issues, including symptoms associated with attention deficit hyperactivity disorder, impeded his ability to learn. For this portion of the assessment, Monjaraz administered two rating scales to both Parent and Teacher, gathered Parent input from a written questionnaire and a health and development survey, interviewed Student and his teacher, and reviewed Student's educational records including discipline history. Glendora comprehensively assessed Student pursuant to the suspected eligibility categories of other health impairment and specific learning disability.

The purposes of the psychoeducational assessment were to assist the IEP team to determine if Student qualified for special education under the categories of specific learning disability and other health impairment, and identify any educational needs and strategies to meet these needs. Glendora's assessment accomplished these purposes. No IEP team member, including Parents, requested that Student be assessed in any additional areas as part of the psychoeducational evaluation. As Monjaraz compiled and analyzed Student's scores and the rating scales, she did not identify any need for additional testing. Glendora's psychoeducational assessment yielded a good picture of Student's learning profile and educational functioning and provided information to help the IEP team determine his eligibility, needs, and how to best support him.

Parent contended Glendora failed to comprehensively assess Student's executive functioning, processing, attention, and behavioral and emotional regulation difficulties to determine eligibility under other health impairment. The evidence did not support Parent's contentions. In addition to record review, interviews, Parent input, and observation data, Monjaraz administered multiple cognitive tests which assessed Student's attention, executive functions, and processing. She also administered two rating scales to both Parent and Teacher. The Behavior Assessment System assessed Student's attention and behavior and emotional dysregulation. The Conners Rating Scale specifically assessed attention deficit hyperactivity symptoms and related conditions.

Based on Student's strong cognitive and academic abilities, Monjaraz opined Student's attention deficit hyperactivity disorder and related symptoms did not significantly impact his ability to access the general education curriculum and that he did not require specialized academic instruction. Monjaraz further opined Student did

not appear to meet the eligibility criteria of having an other health impairment. Parents disagreed with these opinions. Their disagreement with the assessment conclusions did not render the assessment legally deficient. Parent's contention that Glendora's assessment was not comprehensive because it minimized Student's behavioral and social needs was not supported by the evidence. The assessment showed Student exhibited inattention, hyperactivity, and behavioral dysregulation which negatively impacted his peer interactions. Parents argued Glendora's assessment was deficient as it failed to find Student eligible for special education under the category of other health impairment. However, it is the IEP team that determines eligibility, not the assessor. (20 U.S.C. § 1414(b)(4)(A); 34 C.F.R. § 300.306(a)(1) (2017); Ed. Code, §§ 56329, subd. (a)(1), 36342, subd. (a).) Student's eligibility was not at issue in this hearing, and no findings are made in that regard. The assessment provided sufficiently comprehensive data to enable the IEP team to make eligibility determinations and decide how to best support Student.

Monjaraz and Lopez believed their assessments complied with all legal requirements and furnished sufficiently comprehensive information to help Student's IEP team make sound educational decisions. Their testimony, combined with an examination of the assessment report, confirms the assessments were legally compliant

Glendora proved by a preponderance of the evidence that its psychoeducational assessment of Student was comprehensive.

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THE ASSESSMENT REPORT WAS LEGALLY COMPLIANT

The IEP team has the duty to determine whether a student is eligible for special education and related services. (20 U.S.C. § 1414(b)(4)(A); 34 C.F.R. § 300.306(a)(1) (2017); Ed. Code, §§ 56329, subd. (a)(1), 36342, subd. (a).) To aid the IEP team in determining eligibility, an assessor must produce a written report that includes information of whether the student may need special education and related services, along with the basis for that determination. (Ed. Code, § 56327, subs. (a) & (b).) In California, the personnel who assess a student must prepare a written report that includes:

- whether the student may need special education and related services, and the basis for making that determination;
- the relevant behavior noted during observation of the student in an appropriate setting;
- the relationship of that behavior to the student's academic and social functioning;
- any educationally relevant health, development, and medical findings;
- for students with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services; and
- if appropriate, a determination of the effects of environmental, cultural, or economic disadvantage. (Ed. Code, § 56327.)

Glendora's psychoeducational assessment report included all legally required components. The report reviewed Student's health and development history noting his leukemia, cancer treatments, and attention deficit hyperactivity diagnosis. It included an overview of Student's educational history, first-grade report cards, discipline and attendance, IEP services, and general education counseling. This was Student's first psychoeducational assessment so there was not a prior assessment to review, though the report discussed the basis for his eligibility as a child with a speech or language disorder. Monjaraz summarized information she gathered from Parents, the teacher, and Student in the report.

The report discussed relevant behavioral observations of Student and how his behavior impacted his educational performance. Monjaraz noted her observations of Student in the classroom, at recess, and in the testing sessions. Specifically, Monjaraz reported her observations that Student

- followed class routines,
- listened quietly,
- was engaged in learning,
- contributed to class discussions,
- constantly rocked in his seat,
- attempted to disrupt his peers, and
- responded to redirection.

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The report noted that Student's attempts to engage his peers were not always reciprocated nor appropriate. The report summarized behaviors observed at recess noting no concerns and his attention to task during testing sessions despite rocking in his seat. The report discussed that Student's constant motion did not interrupt his learning though a peer found it distracting and asked that he stop, to no avail.

The report identified each assessment tool used, explained each area assessed, and analyzed Student's performance. It listed Student's test scores and explained their significance through graphs, charts, and narratives, comparing Student's performance to same age peers and comparing raters' responses. Monjaraz compiled Lopez' academic testing results into the psychoeducational assessment report. The report noted that Student's scores indicated no cognitive nor academic weakness. The report summarized Student's social-emotional and behavior rating scales, and identified concerns with attention, hyperactivity, impulsivity, and emotional and behavioral regulation which impacted his peer interactions.

The assessment report specified the assessment results were not the result of environmental, cultural or economic disadvantages. It detailed eligibility criteria for each category considered and Student's current eligibility category of speech or language impairment. It included a determination of whether Student may be eligible for special education and the basis for that determination. The report indicated Student met criteria for having a speech or language impairment based on the results of a separate speech assessment. The report concluded, based on the assessment results, Student did not have a cognitive nor academic weakness, necessary components for establishing eligibility under the category of specific learning disability.

The report also concluded Student's attention deficit hyperactivity disorder and related symptoms did not appear to be significantly impacting his ability to access the general education curriculum. Parents disagreed with the conclusions in the assessment report regarding other health impairment eligibility. Their disagreement did not render the assessment or report legally deficient. Glendora's assessment report appropriately noted that it was up to the IEP team, considering all available relevant information, to make the final determination of whether Student met eligibility criteria and required special education and related services.

The assessment report contained Monjaraz' recommendations, namely that the IEP team meet to consider eligibility, services, the least restrictive environment, and the results of the functional behavior assessment. The report recommended that staff continue to use a behavior chart for Student with rewards to reinforce appropriate peer interactions. The report referred Parents to resources on attention deficit hyperactivity disorder and executive functioning. Glendora proved its assessment report was legally compliant.

In summary, Glendora selected qualified, trained, and experienced assessors to complete Student's psychoeducational assessment. The assessment was conducted in English, and in a non-discriminatory manner. The assessors did not rely on a sole criterion in reaching their findings and used a variety of technically sound assessment tools to evaluate Student. The tests were administered in accordance with protocols and instructions. Student was observed in the classroom and on the playground in social interactions. Monjaraz collected input from Parents, Student's teacher, and Student, and reviewed relevant education and discipline records. Student did not suffer from any environmental, cultural, or economic disadvantage that impacted the

results. Glendora proved by a preponderance of the evidence that its May 2025 psychoeducational assessment of Student and assessment report were legally compliant.

If the public agency files a due process complaint to defend its assessment, and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense. (34 C.F.R. § 300.502(b)(3)(2006); Ed. Code, § 56329, subd. (c).) Nothing in this Decision prevents Parents from funding their own independent assessment of Student.

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:

Glendora's May 2025, psychoeducational assessment of Student was legally compliant such that Student is not entitled to an independent psychoeducational evaluation at public expense.

Glendora prevailed on the sole issue for hearing.

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ORDER

1. Glendora's psychoeducational assessment of Student presented at the May 29, 2025, IEP team meeting was legally compliant.
2. Glendora is not required to fund an independent psychoeducational evaluation.

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.

THERESA RAVANDI

Administrative Law Judge

Office of Administrative Hearings