



STATE OF WASHINGTON  
OFFICE OF ADMINISTRATIVE HEARINGS  
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MAILED  
APR 21 2016  
SEATTLE-OAH

April 21, 2016

Parents  
[REDACTED]

Karen Finigan, Director of Special Education  
Services  
Renton School District  
300 SW 7<sup>th</sup> St  
Renton, WA 98057

David Hokit, Attorney at Law  
Curran Law Firm  
PO Box 140  
Kent, WA 98035

**In re: Renton School District  
OSPI Cause No. 2016-SE-0005  
OAH Docket No. 01-2016-OSPI-00006**

Dear Parties:

Enclosed please find the Findings of Fact, Conclusions of Law, and Order in the above-referenced matter. This completes the administrative process regarding this case. Pursuant to 20 USC 1415(i) (Individuals with Disabilities Education Act) this matter may be further appealed to either a federal or state court of law.

After mailing of this Order, the file (including the exhibits) will be closed and sent to the Office of Superintendent of Public Instruction (OSPI). If you have any questions regarding this process, please contact Administrative Resource Services at OSPI at (360) 725-6133.

Sincerely,

Nicole A. Gaines Phelps  
Administrative Law Judge

cc: Administrative Resource Services, OSPI  
Matthew D. Wacker, Senior ALJ, OAH/OSPI Caseload Coordinator

RECEIVED

APR 26 2016

SUPERINTENDENT OF PUBLIC INSTRUCTION  
ADMINISTRATIVE RESOURCE SERVICES

STATE OF WASHINGTON  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

MAILED  
APR 21 2016  
SEATTLE-OAH

IN THE MATTER OF:

OSPI CAUSE NO. 2016-SE-0005

RENTON SCHOOL DISTRICT

OAH DOCKET NO. 01-2016-OSPI-00006

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER

A hearing in the above-entitled matter was held before Administrative Law Judge (ALJ) Nicole A. Gaines Phelps in Renton, Washington, on March 22, 2016. The Parent of the Student whose education is at issue<sup>1</sup> appeared *pro se* (represented herself). The grandparents of the Student were also present. The Renton School District (District) was represented by David Hokit, attorney at law. Karen Finigan, District's director of special education services, was also present. The following is hereby entered:

**STATEMENT OF THE CASE**

The District filed a due process hearing request on January 26, 2016. Prehearing conferences were held on February 10, and February 25, 2016. Prehearing orders were issued on February 10, and February 26, 2016.

The due date for the written decision was extended to thirty (30) days after the record of the hearing closes, pursuant to a request for extension by the Parent. See First Prehearing Order. The hearing record closed at the conclusion of argument on March 22, 2016. The due date for the written decision is therefore April 21, 2016.

**EVIDENCE RELIED UPON**

The following exhibits were admitted into evidence:

**Parent Exhibits:** P1, P2, P4 through P8, and P10 through P14. P3 was withdrawn by Parent. P9 was objected to by the District. The Parent failed to lay a foundation for authentication for admittance of the exhibit; therefore, P9 was not admitted.

**District Exhibits:** D1 through D14

The following witnesses testified under oath. They are listed in order of their appearance:  
Caroline Bentley, Cascade Elementary School Psychologist;  
Aliscia Morrow, Cascade Elementary Assistant Principal;  
Johnathan Hoeschen, Cascade Elementary General Education Teacher;

<sup>1</sup> In the interests of preserving the family's privacy, this decision does not name the parents or student. Instead, they are each identified as "Parents," "Parent," "Grandparents," and/or "Student."

Dr. Beth Falanga, N.D., L.M.<sup>2</sup> and,  
The Parent.

### ISSUE

Whether the District's Fall 2015 evaluation of the Student was appropriate, and if not, whether the Parent is entitled to an independent educational evaluation (IEE) at public expense. See First Prehearing Order.

### FINDINGS OF FACT

In making these Findings of Fact, the logical consistency, persuasiveness and plausibility of the evidence has been considered and weighed. To the extent a Finding of Fact adopts one version of a matter on which the evidence is in conflict, the evidence adopted has been determined more credible than the conflicting evidence.

#### Background

1. The Student is 10 years old. She is a fourth-grade student in Johnathan Hoeschen's classroom at Cascade Elementary School. (Exhibit D1.) The Student has a diagnosis of post-traumatic stress disorder (PTSD). *Id.* Her medical condition manifests as anxiety. *Id.* Without intervention, her condition negatively impacts the Student's ability to access the educational curriculum. *Id.* at 3. Over the course of time, the Parent has become increasingly concerned about the Student's emotional responses and behaviors related to school. (Testimony of Parent.)
2. On September 8, 2015, the Parent and the Student's 504 Educational Plan Team (504 Team) convened a team meeting. The 504 Team discussed implementing a 504 Educational Plan (504 Plan) for the Student. *Id.* After discussing the Student's emotional shutdowns and behaviors, the 504 Team concluded the Student would benefit from a 504 Plan. *Id.* The team's 504 Plan provided the Student with three accommodations: (1) an alternative work setting; (2) a personal white board to do her work; and (3) an alternative setting for test taking and prompting for breaks. *Id.* at 4.
3. Over the course of the next few weeks, both the Parent and teachers noted Student was exhibiting high levels of anxiety and behavior problems. *Id.* at 3. Specifically, both noted the Student would "shut down" and put "her head down on her desk" when overwhelmed. *Id.*; see also Exhibit P5. On October 15, 2015, the Parent referred the Student for an initial evaluation for special education services. (Exhibit D2.)
4. After receiving the Parent's consent to evaluate the Student, the District convened an initial intake meeting on October 29, 2015. (Exhibit P7.) During the meeting, the Parent that disclosed the Student was participating in an interdisciplinary evaluation at the University of Washington Child Development Center (UWCDC). *Id.*; see also Exhibit D9. The 504 Team

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<sup>2</sup> Beth Falanga has a certification as a Doctor of Naturopathic Medicine (ND) and a certificate of Naturopathic Midwifery (MD).

agreed to utilize the information gathered through the UWCDC evaluation process in combination with supplemental information from educational testing for purposes of the Student's special education evaluation. *Id.*

### UWCDC Evaluation

5. The UWCDC's evaluation of the Student included testing and observations by multiple Ph.Ds and Ph.D candidates within their respective fields of expertise. The final UWCDC report is comprised of evaluations from multiple disciplines including a: (1) psychological evaluation; (2) speech/language pathology evaluation; (3) occupational therapy evaluation; and (4) parent conference team summary. See Exhibits D10-13.

6. *Psychological:* The psychological portion of the UWCDC evaluation included the following tests and information gathering techniques: Wechsler Intelligence Scale for Children, Fifth Edition (WISC-V); Autism Diagnostic Observation Schedule, Second Edition (ADOS-2), Module 3; Achenbach Child Behavior Checklist (CBCL); Beck Youth Inventories for Children and Adolescents, Second Edition (Beck Youth Inventory); Conners, Third Edition (Conners 3); Social Responsiveness Scale, Second Edition (SRS-2); and a clinical interview. (Exhibit D10 at 2.) The report gathered from various sources, including input from the Parent, the Student and Mr. Hoeschen, to evaluate the Student's cognitive functioning; social and communication, and behavioral needs.

7. Prior to the evaluation, the Parent expressed concerns about the Student's "anxiety and emotional outbursts." (Exhibit D10.) Parent was especially concerned with Student's awkward social skills and inability to read social clues from her peers. *Id.* Additionally, as part of the evaluation process, Student's classroom teacher provided information regarding his observations within the classroom setting. He, too, noted Student's tendency to "shut down" when faced with difficult tasks, and her lack of perseverance to continue on task without encouragement. *Id.* Indeed, during the evaluation, Student became overwhelmed and unresponsive During the examination. Through encouragement and a reward system (the use of small toys), the examiner was able to entice the Student to complete the testing.

8. *Cognitive Functioning:* According to the UWCDC evaluation, overall the Student's "cognitive skills are similar to children her same age," despite falling within the low average range of mental ability on the WISC-V. (Exhibit D10 p. 3.) The evaluator warned this is:

    somewhat a misleading measure of her intellectual development...because it underestimates her capabilities for certain kinds of processing tasks and overestimates them for others.

*Id.* However, "due to difficulties with anxiety," she did have difficulty with working memory and processing speed tasks. *Id.*

9. *Social and Communication:* As part of the psychological evaluation, the Student was administered the ADOS-2-Module 3. This test is designed to measure "whether a child exhibits characteristics of an autism spectrum disorder." *Id.* at 4. The Student "scored within normal limits for her age and within two standardized measures in the area of social communication." (Exhibit P7 p.6.) Based upon the Student's scores, the evaluators opined she has "[g]eneralized [a]nxiety [d]isorder with weakness in some areas of social language skills." *Id.*

The final recommendation suggested the Student participate in a social language skills group. *Id.*

10. *Behavioral and Social-Emotional Functioning:* For additional information on the Student, UWCDC sought input from the Student's parents, who completed the CBCL, and Mr. Hoeschen, who completed the Achenbach Teacher Response Form (TRF). (Exhibit D10.) Both the parents and the classroom teacher completed the Connors-3. *Id.* The Student's self-perspective was captured by having her complete the Beck Youth Inventory. *Id.* Additionally, the Parent completed the SRS-2, to identify and assess any social impairments associated within autism spectrum disorders and determine the severity. *Id.*

11. In general, information from all three sources and assessment tools was fairly consistent. The evaluators concluded the responses from all three sources were valid, "not overly positive, negative or inconsistent." The results did not fall within the autism spectrum but indicated the Student has generalized anxiety disorder and needs accommodations to support her. *Id.*

12. *Speech/Language Pathology:* On October 26, 2015, the Student participated in a speech and language evaluation at UWCDC. (Exhibit D11.) The evaluators used a variety of activities and measures including: (1) Double Interview Task to elicit and observe the Student's ability to engage in reciprocal conversation; (2) Social Language Development Test, Elementary (SLDT); (3) Test of Problem Solving, Elementary-Third Edition (TOPS-3); and (4) Children's Communication Checklist-Social Edition (CCC-2). *Id.*

13. In summary, the Student scored within normal limits for her age on two of the assessment tools. *Id.* at 5. Notably, the Student demonstrated "marked difficulty with reciprocal conversation skills." *Id.* The Student's tendency to dominate the conversation, provide too much detail, and go "on too many tangents away from the questions" asked was observed throughout this evaluation process, and was also noted through other evaluators at UWCDC. *Id.*

14. *Occupational Therapy:* On November 3, 2015, the Student participated in an occupational therapy evaluation at UWCDC. (Exhibit D12.) The team used the Sensory Processing Measure (SPM) to assess the Student's sensory processing issues. *Id.* Information from the Parent and the Student was also taken into consideration. *Id.* Overall, the Student displayed "some tactile sensitivities" but they did not rise to a "level of need for concern". *Id.* at 2. The evaluator noted the Student has "learned some strategies to compensate for these issues and appears to be regulating her sensory systems adequately." *Id.*

15. *Summary from UWCDC Evaluation:* In summary the UWCDC team's final report found the Student has "Generalized Anxiety Disorder (GAD) as characterized by uncontrolled excessive anxiety and worry." (Exhibit D13.) This is consistent with the Student's primary care provider's findings and current treatment plan for the Student's excessive anxiety. (Testimony of Dr. Falanga.)

16. The final recommendations included: continuing the Student's current 504 Plan with accommodations; working with a psychologist who specializes in childhood anxiety disorders to help the Student and parents develop coping behavioral strategies; participation in Cognitive Behavioral Therapy; education through written material; direct instruction in and practice with reciprocal conversation skills; and enrolling the Student in yoga or some type of other anxiety-reducing activity.

### The District's Evaluation

17. Caroline Bentley, District School Psychologist, conducted testing of the Student in the academic areas of reading, math, and written language. (Exhibit D6; see also, Exhibit D7 p. 3.) In order to assess the Student's academic skill set, Ms. Bentley utilized the Woodcock-Johnson Psycho-Educational Battery, Third Edition (WJ-III). In addition to independently assessing the Student's academic skill set, Ms. Bentley also reviewed UWCDC's evaluation and observed the Student in her classroom setting. (Exhibit D7 p. 2.)

18. Ms. Bentley is the District's school psychologist, and holds a Bachelor's of Science degree in psychology. She received her Master's Degree in educational psychology from Idaho State University in 1969. (Exhibit D14.) She has more than 47 years of experience as a school psychologist. (Testimony of Bentley.) She estimates over the course of her career that she has completed over 4000 student evaluations and assessments. *Id.*

19. *Academic (math)*: The Student's high scores in math reflected her ability to successfully learn math calculation and reasoning skills in a general education math classroom without specially designed instruction. (Exhibit P7 p. 4.) However, the Student's approach to complex math calculations and her need for an excessive amount of time to complete the calculations implied accommodations are necessary to assist her. *Id.*

20. *Academic (reading)*: The Student's scores in reading were solidly within the average range for her age. *Id.* As such, Ms. Bentley opined the Student does not need specially designed instruction in reading. *Id.*

21. *Academic (writing)*: The Student's scores in writing fell within the average range, reflecting her ability to successfully learn written language skills in a general education setting without specially designed instruction. (Exhibit P7 p. 4.) However, once again the Student demonstrated some level of frustration during the testing process. *Id.* The evaluator was able to successfully help the Student calm down and complete the testing through use of a monetary award system. (Testimony of Bentley.)

22. *Classroom Data*: As part of the evaluation process, Ms. Bentley personally observed the Student in her classroom and requested teacher feedback/input forms assessing the Student's classroom performance. (Exhibit D7.) During the observation period, Ms. Bentley observed the Student "shutdown" and put her head down on the desk. When Ms. Bentley approached the Student it was clear she was overwhelmed by the assignment and needed guidance on how to proceed. With Ms. Bentley's guidance, the Student rebounded, reengaged and was able to proceed with her work. (Exhibit P7 p. 4.)

23. During the one-on-one testing session, Ms. Bentley again observed the Student's need for frequent breaks and her propensity to become overwhelmed by ongoing testing and tasks. Indeed, at one point, Ms. Bentley offered a reward system (giving the Student quarters) if she focused on completing the testing process. *Id.*; see also Testimony of Bentley.

24. *Summary and Recommendations of Carolyn Bentley*: In drafting the District's final evaluation and written report, Ms. Bentley compiled the Student's academic evaluations and the various UWCDC evaluations. (Exhibit P7.) In summary, neither the academic nor the various

UWCDC evaluations supported the need to design an Individualized Education Plan (IEP) for the Student. By all accounts, the Student is capable of academic success in a general education setting. *Id.* However, all of the evaluators agreed the Student suffers from GAD and that she needs accommodations to address her anxiety. Specifically, Ms. Bentley recommended the continuation of the Student's current 504 Plan with the incorporation of the UWCDC recommendations including allowing the Student extra time for assignment and test completion as well as shortened assignments, when possible. (Exhibit P7 p. 6.)

25. *Educators' observations:* Ms. Aliscia Morrow, assistant principal, noted during the Student's third-grade year, she observed the Student's heightened levels of anxiety, particularly around entering the classroom. (Testimony of Morrow.) She also noted a decrease in the Student's symptoms since the implementation of the current 504 Plan during the 2015-2016 school year. *Id.* Likewise, Mr. Hoeschen, observed heightened anxiety issues with the Student during the first few quarters of the 2015-2016 school year but credibly testified he had seen a clear and definable difference once the 504 Plan was fully implemented and the Student adjusted to using the accommodations. (Testimony of Hoeschen.)

#### District's Evaluation Meeting

26. Ms. Bentley presented her draft findings and report during a December 17, 2015 evaluation meeting. (Exhibit D7; see also Exhibit P7.) The Parent and representatives from the District participated. The District's representatives included: a special education and general education teacher; Aliscia Morrow; a school nurse; a school counselor and a speech and language pathologist were all present at the evaluation meeting. Based upon the evaluation results, the evaluation team recommended continuing to offer the Student academic support through a 504 Plan. Over the Parent's objection, the team agreed the Student did not qualify for special education. Instead, a 504 Plan could appropriately address the Student's academic support needs.

#### Parent's Assertions

27. The Parent disagrees with the District's evaluation. She asserts the evaluation process was flawed because UWCDC took into consideration the Student's participation in a 504 Plan during the evaluation period; the classroom teacher underreported the Student's emotional outburst and behaviors; and that Ms. Bentley's use a monetary incentive during the academic testing portion influenced the test results. Furthermore, Parent argues the Student continues displaying poor judgment, e.g. entering the car of a stranger instead of waiting for someone she knew to assist her, and threatening self-harm. As such, the Parent argues the Student is in need of additional assistance and another evaluation should be conducted at public expense. (Testimony of Parent.)

#### Parent's Expert

28. Beth S. Falanga, ND, LM, testified on behalf of the Parent. Dr. Falanga is a 2001 graduate of Bastyr University. (Exhibit P1.) The Parent is an employee of Dr. Falanga. (Testimony of Falanga.) Additionally, Dr. Falanga has served as the Student's primary physician since 2013. *Id.* Dr. Falanga has had the opportunity to observe the Student having emotional outbursts during office visits. *Id.* For the past three years, Dr. Falanga has prescribed

a number of supplements and medications to support the Student's need for medical intervention for anxiety. *Id.*

29. However, Dr. Falanga has not observed the Student in the educational environment nor has she spoken to any of the District's educational professionals about the Student. Dr. Falanga has no formal training with eligibility for special education under the IDEA. (Testimony of Dr. Falanga.) The majority of Dr. Falanga's opinions were based on information provided to her by the Parent. *Id.* Her knowledge IEPs is based upon what she has heard from the parents of her patients. *Id.* such, the undersigned finds Dr. Falanga's testimony less persuasive than the opinions of the professionals who interacted with and evaluated the Student within the scope of professional disciplines.

#### Ms. Bentley's Testing Technique

30. The Parent argues Ms. Bentley's use of a monetary incentive during the academic testing portion influenced the test results. The undersigned appreciates the Parent's concerns. The use of a nominal (\$0.25) monetary incentive may not be the best practice as a means of motivating a student during formal testing. But in this instance, the undersigned finds Ms. Bentley's testimony credible that the use of the monetary incentive did not affect the validity of the academic testing.

31. As explained by Ms. Bentley, the purpose of the academic testing was to measure the Student's intellectual abilities. The use of an incentive, including money, did not affect the Student's ability to demonstrate her intellect. What it did demonstrate was the Student's ability to focus and concentrate on the completion of an academic task when incentivized. This supports the UWCDC's recommendation and showing that a 504 Plan, which includes a means of supporting and encouraging the Student to work through her anxiety, is needed for her to academically succeed. (Testimony of Bentley.)

#### Issuance of Notice of Initial Evaluation Results

32. On December 17, 2015, the District issued its written Notice of Initial Evaluation Results for [the Student]. (Exhibit P7.) The evaluation report incorporates the results from both Ms. Bentley's and the University of Washington's assessment of the Student. Based upon the combined evaluation results, the evaluation team's report concludes the Student is not eligible for special education services under the IDEA. Instead, the Student's educational needs are best addressed upon her current 504 Plan. *Id.*

#### Parent's Request

33. On January 14, 2016, the Parent requested an Independent Educational Evaluation (IEE) of the Student. The Parent alleges the evaluation is not appropriate because Ms. Bentley: (1) used a monetary reward system to ensure the Student completed the academic portion of the evaluation; (2) the Student is continuing to self-report having difficulties at school and (3) the Student's emotional and behavioral issues are not being addressed. (Testimony of Parent.) In response, the District filed a due process hearing request on January 26, 2016.

34. To the extent the Parent's concerns conflicted with the information presented by the District, the undersigned took into consideration the cumulative evidence presented by the



District and the expertise of Ms. Bentley. This is not intended to discount the Parent's input, her observations, and concerns but was rather a reflection of having found that the evidence presented by the District was more persuasive.

## CONCLUSIONS OF LAW

### **The IDEA**

1. The Office of Administrative Hearings (OAH) has jurisdiction over the parties and subject matter of this action for the Superintendent of Public Instruction as authorized by 20 United States Code (USC) §1400 *et seq.*, the Individuals with Disabilities Education Act (IDEA), Chapter 28A.155 Revised Code of Washington (RCW), Chapter 34.05 RCW, Chapter 34.12 RCW, and the regulations promulgated thereunder, including 34 Code of Federal Regulations (CFR) Part 300, and Chapter 392-172A Washington Administrative Code (WAC).
2. The burden of proof in an administrative hearing under the IDEA is on the party seeking relief, in this case the District. *Schaffer v. Weast*, 546 U.S. 49, 126 S. Ct. 528 (2005). Therefore the District has the burden of proof to demonstrate its Fall 2015 evaluation of the Student was appropriate.
3. The IDEA and its implementing regulations provide federal money to assist state and local agencies in educating children with disabilities, and condition such funding upon a state's compliance with extensive goals and procedures. In *Bd. of Educ. of Hendrick Hudson Central Sch. Dist. v. Rowley*, 458 U.S. 176, 102 S. Ct. 3034 (1982) (*Rowley*), the Supreme Court established both a procedural and a substantive test to evaluate a state's compliance with the Act, as follows:

First, has the state complied with the procedures set forth in the Act? And second, is the individualized educational program developed through the Act's procedures reasonably calculated to enable the child to receive educational benefits? If these requirements are met, the State has complied with the obligations imposed by Congress and the courts can require no more.

*Rowley, supra*, 458 U.S. at 206-207 (footnotes omitted).

### **IEEs and Evaluations under the IDEA Regulations<sup>3</sup>**

4. If the parent of a student eligible for special education disagrees with a school district's evaluation, the parent has the right to obtain an IEE, which is an evaluation conducted by a qualified examiner not employed by the school district. If a parent requests an IEE at public expense, the district must provide the parent with certain information on obtaining IEEs, and must either initiate a due process hearing within 15 days to defend the appropriateness of its evaluation, or else ensure that a publicly-funded IEE is provided without unnecessary delay. If

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<sup>3</sup> The Washington regulations on IEEs and evaluations are lengthy. The most pertinent provisions of the regulations at issue in this case are summarized here. The full text of the cited Washington regulations is attached as an Addendum to the decision.

the district initiates a hearing, and the final decision is that the district's evaluation is appropriate, the parent still has the right to an IEE, but not at public expense. WAC 392-172A-05005; *see also* 34 CFR §300.502.

5. When a school district conducts a special education evaluation, a "group of qualified professionals selected by the 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 . . ." The group must not use "any single measure or assessment as the sole criterion" for determining eligibility or educational programming. The group must use technically sound instruments that may assess the relative contribution of cognitive, behavioral, physical and developmental factors. WAC 392-172A-03020; *see also* 34 CFR §300.304.

6. Assessments must be administered by "trained and knowledgeable personnel" and "in accordance with any instructions provided by the producer of the assessments." Students must be assessed "in all areas related to the suspected disability" and the evaluation must be "sufficiently comprehensive to identify all of the student's special education and related services needs, whether or not commonly linked to the disability category in which the student has been classified." *Id.*

7. Here, a number of professionals from a variety of disciplines conducted numerous assessments of the Student during the UWCDC evaluation. The Parent neither disputes that the UWCDC professionals used a variety of assessment tools and strategies nor that they were qualified to conduct the evaluations. Indeed, the Parent independently sought the UWCDC's evaluation of the Student prior to requesting a special education evaluation from the District. Additionally, with over 47 years of experience and having completed more than 4000 Student evaluations and assessments, Ms. Bentley's experience makes her exceptionally well qualified to conduct the academic portion of the evaluation.

8. WAC 392-172A-03025 concerns the review of existing data for evaluations. It provides that evaluations must review existing evaluation data on the student and identify what additional data is needed to determine whether the student meets eligibility criteria. *Id.*; *see also* 34 CFR §300.305. Another regulation, WAC 392-172A-03040, provides that upon completing the assessments, a group of qualified professions and the parent must determine whether the student is eligible for special education. In interpreting evaluation data to determine eligibility, the district must draw upon information from a variety of sources, including parent and teacher input.

9. WAC 392-172A-03040 concerns eligibility determinations, and provides in pertinent part as follows. Upon completing the evaluation assessments, a group of qualified professions and the parent must determine whether the student is eligible for special education. A student must not be determined eligible "[i]f the student does not otherwise meet the eligibility criteria including presence of a disability, adverse educational impact and need for specially designed instruction." In interpreting evaluation data to determine eligibility, the district must draw upon information from a variety of sources, including parent and teacher input. The district must also ensure that information obtained from all of these sources is documented and carefully considered. *Id.*; *see also* 34 CFR §300.306.

10. Only after UWCDC and the District completed their respective evaluations did the Evaluation Team meet to discuss the Student's eligibility for special education. Based upon the Student's academic tests scores, she did not demonstrate a need for specially designed instruction in any academic areas. However, in light of the results from the UWCDC evaluations, and the observations of the current teacher and assistant principal, the Student demonstrated a need for emotional support to assist with reducing her anxiety. As recommended by the evaluation report, a 504 Plan is the most appropriate level of support.

11. Finally, WAC 392-172A-03035 concerns evaluation reports. It requires that they include: a statement of whether the student has a disability that meets eligibility criteria; a discussion of the assessments and review of data that supports the eligibility conclusion; a discussion of how the disability affects the student's progress in the general education curriculum; and the recommended special education and related services the student needs. *Id.*; see also 34 CFR §300.304-.306.

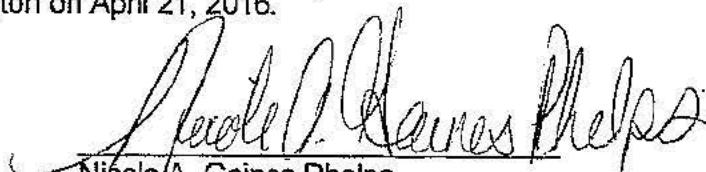
12. The UWCDC evaluations and the District's evaluation all conclude the Student is within the normal limits for her age, with the exception of anxiety. It is concluded that the District's evaluation of the Student was appropriate. The Student is not eligible for special education under IDEA.

13. All arguments made by the parties have been considered. Arguments not specifically addressed herein have been considered, but are found not to be persuasive or not to substantially affect a party's rights.

#### **ORDER**

The Renton School District's Fall 2015 evaluation of the Student was appropriate. The Parent is therefore not entitled to an independent educational evaluation at public expense.

Signed at Seattle, Washington on April 21, 2016.



Nicole A. Gaines Phelps  
Administrative Law Judge  
Office of Administrative Hearings

#### **Right To Bring A Civil Action Under The IDEA**

Pursuant to 20 U.S.C. 1415(i)(2), any party aggrieved by this final decision may appeal by filing a civil action in a state superior court or federal district court of the United States. The civil action must be brought within ninety days after the ALJ has mailed the final decision to the parties. The civil action must be filed and served upon all parties of record in the manner prescribed by the applicable local state or federal rules of civil procedure. A copy of the civil action must be provided to OSPI, Administrative Resource Services.

CERTIFICATE OF SERVICE

I certify that I mailed a copy of this order to the within-named interested parties at their respective addresses postage prepaid on the date stated herein. *Jan*

Parents  


Karen Finigan, Director of Special Education  
Services  
Renton School District  
300 SW 7<sup>th</sup> St  
Renton, WA 98057

David Hokit, Attorney at Law  
Curran Law Firm  
PO Box 140  
Kent, WA 98035

cc: Administrative Resource Services, OSPI  
Matthew D. Wacker, Senior ALJ, OAH/OSPI Caseload Coordinator