

**WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS**

In the matters of:

Renton School District

Docket Nos. 10-2025-OSPI-02723
10-2025-OSPI-02733

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND FINAL ORDER**

Agency: Office of Superintendent of
Public Instruction
Program: Special Education
Cause Nos. 2025-SE-0146
2025-SE-0154

A due process hearing was held before Administrative Law Judge (ALJ) Niles McDonald on February 2 and 3, 2026, via videoconference. The Parents of the Student whose education is at issue¹ appeared and represented themselves. The Renton School District (District) was represented by Carlos Chavez, attorney at law. Also present was Brooke Wallace, Elementary Special Education Director for the District.

STATEMENT OF THE CASE

Procedural History

The District filed a due process hearing request (Complaint) on October 3, 2025, which was assigned cause number 2025-SE-0146. The Parents filed a due process hearing request on October 13, 2025, which was assigned cause number 2025-SE-0154. Both matters were assigned to ALJ Niles McDonald on October 3, 2025 and October 13, 2025, respectively. On October 16, 2025, the District requested that cause number 2025-SE-0146 be continued, and consolidated with cause number 2025-SE-0154. The Parents did not object, and the matters were consolidated. A prehearing conference was held on October 30, 2025, and the due process hearing was set for February 2 through 4, 2026. On November 4, 2025, the Parents moved to modify the issues for hearing, to which the District did not object. An Order Clarifying Issues for Hearing was issued November 4, 2025. During the due process hearing on February 2, 2026, the Parents requested the issues for hearing be modified. The

¹ To ensure confidentiality, names of parents and students are not used.

District did not object. A Second Order Clarifying Issues for Hearing was issued February 3, 2026, with the parties' agreed language.

The due process hearing was held on February 2 through 3, 2026.

Due Date for Written Decision

The due date for a written decision in this case is thirty (30) calendar days after the close of the record. The record closed when the parties timely filed post-hearing briefs on March 13, 2026, and the due date for the written decision is April 12, 2026.

EVIDENCE RELIED UPON

Exhibits Admitted:

District's Exhibits: D1-D17

Parents' Exhibits: P1-P37

Witnesses Heard:

Ms. Parent, the Student's Mother

Mr. Parent, the Student's Father

Elizabeth Solvang, Home-school Opportunities for Merging Education (HOME) Program Facilitator, for the District

Lily Robins-Deville – School Psychologist, for the District

Aileen Mattsen – Teacher of the Visually Impaired, for the District

Brooke Wallace – Elementary Special Education Director, for the District

ISSUES

The issue raised by the District's due process hearing request is:

Whether the District's September 16, 2025 evaluation was appropriate and, if not, whether the Parents are entitled to an Independent Educational Evaluation (IEE) at public expense?

The issues for the due process hearing as set out in the Parents' Complaint are:

- a. Whether the District violated the Individuals with Disabilities Education Act (IDEA) and denied the Student a free appropriate public education (FAPE) by:

- i. Failing to provide a prior written notice (PWN) or notify the Parents of their right to a hearing after declining to make changes to the draft evaluation;
 - ii. Predetermining the Student's eligibility prior to the evaluation meeting;
 - iii. Directing the Parents to sign incomplete documents after the evaluation meeting;
 - iv. Failing to include relevant information and test results in the draft evaluation;
 - v. Failing to send a timely PWN following the resolution of community complaint SECC25-29;
 - vi. Altering official documents after they had been signed without notice to or permission from the Parents.
- b. Whether the District failed in its child find obligations in identifying the Student as potentially requiring special education services;
- c. Whether the District's September 16, 2025, evaluation was proper and appropriate, and if not, if Parents are entitled to an IEE at public expense;
- d. And, whether the Parents are entitled to their requested remedies:
- i. Declaratory relief that the District violated the IDEA and denied the Student FAPE;
 - ii. Compensatory education;
 - iii. An IEE at public expense;
 - iv. Or other equitable remedies, as appropriate.

FINDINGS OF FACT

Background

1. The Student is 10 years old and resides in the Renton School District. Tr. p.399 (Ms. Parent).² The Student is currently in the 4th grade. Tr. p.399 (Ms. Parent).

² The hearing transcript is cited as "Tr." with references to the page of the cited testimony. For example, a citation to "Tr. p.80" is to the testimony at page 80 of the transcript. Exhibits are cited by party ("P" for Parents, "D" for District), exhibit number, and page number. For example, a citation to "D1 p.5" is to the District's Exhibit 1 at page 5.

2. At an unknown date in approximately 2020 or 2021, the Student received a diagnosis of attention deficit/hyperactivity disorder (ADHD). P10 p.2. The diagnosis was received when the Student was four or five years old. Tr p.78 (Ms. Parent).

3. During the first and second grade, the Student was homeschooled in [REDACTED] where the Parents and Student then resided. Tr. p.78 (Ms. Parent). The Student was not identified or evaluated for special education services while in [REDACTED] Tr. p.78-79 (Ms. Parent). The Parents requested evaluation of the Student while they were in [REDACTED] but the State of [REDACTED] would not evaluate the Student, as the Student was homeschooled at this time. Tr. p.78-79 (Ms. Parent).

4. Following the family's move to Washington, the Student was enrolled in the Home Opportunities for Merging Education (HOME) program during the second, third, and fourth grade. Tr. p.78-80 (Ms. Parent). The HOME program is an alternative learning program (ALE) where a student's primary education is provided in-home by their parents, but a student can access extracurricular activities and additional supports through their school district. Tr. p.78 (Ms. Parent). At all times relevant to this matter, the Student was enrolled in the HOME program in the District.

5. In the HOME program, the parents are responsible for selecting their student's academic curriculum. Tr p.117-118 (Ms. Parent). Ms. Parent selected all of the Student's reading curricula. Tr p.118 (Ms. Parent). As part of the HOME program, District staff oversaw the Student's Learning Plan. Tr. p.78-80 (Ms. Parent). The District staff overseeing the Student's Learning Plan would also hold a monthly meeting with the Student. Tr. p.138 (Solvang). In the HOME program, students may have access to classes taught by District staff; however, these staff members do not have to be certificated teachers. Tr. p.134 (Solvang).

6. Ms. Parent is the Student's primary instructor. Tr. p.77-78. Ms. Parent is not a certificated teacher in Washington and has never worked as an elementary teacher. Tr. p.76 (Ms. Parent). However, Ms. Parent has experience in teaching dance and spends time in homeschool co-ops. Tr. p.76-77 (Ms. Parent).

7. Elizabeth Solvang³ was the Student's HOME coordinating teacher during second and fourth grade. Tr. p.139 (Solvang).

³ Elizabeth Solvang graduated from Biola University in 2002 with a bachelor's degree in liberal studies with an emphasis in elementary education. Tr. p.127 (Solvang). She completed a master's degree in 2012, at Azusa Pacific University. Ms. Solvang has been teaching since 2001 and has been an accredited teacher in Washington since 2016. Tr. p.126-128 (Solvang).

Request for Evaluation

8. On October 31, 2023, Ms. Parent requested a referral for special education services for the Student. P10 p.1. The Parents informed the District the Student had been diagnosed with ADHD. P10 p.1-2. At this time, the Parents voiced concerns regarding the Student's reading and possible dyslexia. P10 p.2.

9. The District did not conduct a special education evaluation in response to the Parents' request. Instead, in January 2024, the District administered a K-2 literacy screener for the purpose of identifying any literacy issues. Tr. p.82 (Ms. Parent); Tr. p.141 (Solvang); P12. The results of the literacy screener raised concerns regarding the Student's then-current "reading skills in relation to her peers." P12 p.4.

10. In January 2024, the Student was also assessed using the iReady assessment for English Language Arts (ELA). P36. The Student scored in the 15th percentile. P36. The Student's iReady score was not significantly below grade level. Tr. p.186-187 (Solvang).

11. A second literacy screener took place in spring, 2024. Tr. p. 141-142 (Solvang). This evaluation is state mandated. Tr. p.141-142 (Solvang).

12. In a May 6, 2024, email to Ms. Parent, the District's former special education liaison, Gina Brichoux⁴ proposed meeting with Ms. Parent to discuss options for supporting the Student, including the possibility of a 504 plan⁵ or referral for an Individualized Education Program (IEP). P12 p.5.

13. Ms. Parent and Ms. Brichoux met on May 19, 2024. P11 p.1. Ms. Parent and the District agreed during the meeting to develop a 504 plan for the Student. Tr. p.84 (Ms. Parent). At hearing, Ms. Parent stated that she understood the purpose of the 504 plan was to support the Student with her ADHD and literacy concerns. Tr. p.85 (Ms. Parent). However, the May 22, 2024, 504 referral form noted only reading as an area of concern for the Student. P13 p.4.

14. The Parents did not inform Ms. Solvang that they disagreed with the plan to first develop a 504 plan and then consider other supports for the Student. Tr p.144 (Solvang).

⁴ Gina Brichoux is no longer employed with the District and did not testify to her educational qualifications. Ms. Brichoux worked as a special education liaison, a title which has been retired within the District but required a teaching certificate and special education endorsement. Tr. p.432 (Wallace).

⁵ A 504 plan refers to a plan adopted under Section 504 of the Rehabilitation Act of 1973.

Private Evaluation

15. In the summer of 2024, the Student was privately evaluated by Dr. Michelle Battin.⁶ Dr. Battin conducted an evaluation of the Student on August 11, 2024, and issued a report on September 15, 2024. P27, p.1. Dr. Battin diagnosed the Student with Autism Spectrum Disorder, ADHD, and unspecified anxiety disorder. Two recommendations were highlighted, one that dyslexia be ruled out, the other, that convergence insufficiency⁷ or other functional vision challenges be ruled out “by an eye specialist such as an optometrist or ophthalmologist.” P27 p.1.

16. No evidence shows that Dr. Battin has any training or certification in diagnosing vision disorders. Dr. Battin is not an optometrist or ophthalmologist. No evidence shows that Dr. Battin has any expertise relating to vision disorders.

Request for Special Education Evaluation

17. On December 10, 2024, the Parents again requested the District consider the Student for a special education evaluation. D3 p.8. The District was on winter break from December 20, 2024, to January 6, 2025. D17 p.1.

18. In January 2025, the Student took the iReady ELA assessment for the second time. P36. The Student scored in the 29th percentile. P36.

19. On January 28, 2025, the District held a special education referral meeting and decided to evaluate the Student for special education services. D8 p.4; D2 p.3.

20. The District proposed only evaluating the Student in the area of communication. D2 p.3. On February 11, 2023, the District issued a PWN reflecting this decision:

⁶ Dr. Battin was not called as a witness during hearing, so there is no record as to her education or training. Dr. Battin is a licensed clinical psychologist.

⁷ Convergence insufficiency is a disorder of the eye and “may lead to suppression of vision in one eye causing loss of binocular vision and depth perception. Poor binocular vision may have a negative impact on many areas of life, such as coordination, sports, judgment of distances, eye contact, motion sickness, etc.” P31

Description of the proposed or refused action:

The evaluation team proposes to initiate an evaluation to determine if [REDACTED] is eligible for and in need of special education services in communication.

The reason we are proposing or refusing to take action is:

The team agreed that more information was required to determine [REDACTED] need for special education services in communication.

Description of any other options considered and rejected:

The option of not moving forward with an evaluation was considered and rejected.

The reasons we rejected those options were:

The evaluation team was in agreement that the evidence suggests there may be a disability that requires special education services.

A description of each procedure, test, record, or report we used or plan to use as the basis for taking this action is as follows:

parent input, teacher input, evaluation team member input

Any other factors that are relevant to the action:

An assistive technology referral was discussed with parent during the meeting to determine if [REDACTED] requires assistive technology to access her education.

D2 p.3.

21. On February 11, 2025, Ms. Parent objected to the PWN she received from the District, as she felt it did not reflect her request for all evaluations the Parents requested. D3 p.3. Ms. Parent wished for the Student to be evaluated for reading, occupational therapy, and to have a functional vision exam (FVE). D3 p.3.

22. On February 14, 2025, school psychologist Lily Robins-Deville⁸ attempted to contact Ms. Parent to discuss adding several areas to the evaluation but reached her voicemail. P18 p.13. In a February 16, 2025, email, Ms. Parent told Ms. Robins-Deville that she did not see a need for a conversation, that she only wanted meeting notes from the January 28, 2025 meeting and a PWN that reflected the Parents' desired areas of evaluation. D3 p.1-2.

23. During hearing, Ms. Robins-Deville stated that the District would typically not evaluate a student in an area where they are making adequate progress toward grade level standards with their given curriculum. Tr. p.310 (Robins-Deville).

24. In a February 25, 2025, email, Ms. Robins-Deville informed the Parents that the purpose of having a discussion was to talk about potentially evaluating the Student in additional areas of suspected disability. D3 p.1. Ms. Robins-Deville also sent Ms. Parent an updated PWN stating that at the January 28, 2025 meeting, the team considered evaluating the Student in reading, occupational therapy, and vision, and rejected this option. D3 p.10.

⁸ Ms. Robins-Deville works as a school psychologist for the District. She has been in this position for three years. Prior to her hiring, Ms. Robins-Deville interned with the District for one year. Ms. Deville received an educational specialist degree in school psychology from Seattle University in 2023 and is a nationally certified school psychologist. Tr. p.207-208 (Robins-Deville).

25. Ms. Robins-Deville also spoke with the District's Elementary Special Education Director, Brooke Wallace.⁹ Tr p.215 (Robins-Deville). Ms. Wallace recommended the District perform a comprehensive evaluation of the Student. D4 p.2. In a February 27, 2025, email to Ms. Parent, Ms. Wallace recommended the following areas of evaluation:

Renton School District recommends an evaluation for your child to address the following areas:

- | | | | |
|---|--|---|---|
| ☒ General Education | ☒ Observation | ☒ Medical-Physical | ☒ Cognitive |
| ☒ Reading | ☒ Writing | ☐ Math | ☐ Listening Comprehension |
| ☐ Oral Expression | ☒ Executive Functioning | ☒ Social/Emotional and Behavior | ☒ Adaptive |
| ☒ Communication | ☒ Fine Motor | ☐ Sensory | ☒ Gross Motor |
| ☐ Audiology | ☒ Hearing | ☒ Vision | ☐ Orientation and Mobility |
| ☐ Vocational | ☐ Age Appropriate Transition Assessment | ☐ Other | ☐ Academic |
| ☐ Social/Emotional | ☐ Behavior | | |

D4 p.7.

26. In that email, Ms. Wallace asked Ms. Parent to cross out any areas the Parents did not wish to have assessed. D4 p.2. Ms. Wallace informed the Parents that the District would begin assessments as soon as the District received the Parents' signed consent. D4 p.2.

27. Ms. Parent raised multiple concerns in her February 27, 2025 response to Ms. Wallace. Among these concerns, Ms. Parent stated:

To ensure clarity and avoid any potential misinterpretation, I request a revised consent form that will only the areas that will be evaluated once I have an understanding of the suggested areas rather than requiring me to cross out sections. This will ensure there is no confusion regarding my consent now or in the future.

D4 p.2.

28. Ms. Parent also stated that she did not wish to have the Student receive executive functioning, social/emotional, or behavioral evaluations, as the Student was "already receiving private professional services in these areas" and that they "do not require school-based services at this time." D4 p.1. Ms. Parent also voiced frustration that she had been provided with links to the procedural safeguards information, stating that she did not believe a link was sufficient and that "access to the document and being provided with the document are not the same thing." D4 p.1. She further voiced concerns over not knowing what observation and medical-physical assessments entailed. D4 p.1.

⁹ Ms. Wallace has worked as a special education director in Washington for two-and-a-half years and worked as such in Los Angeles prior to moving to Washington.

29. In her February 27, 2025, response email, Ms. Parent also voiced frustration that the District did not have staff qualified to conduct a FVE. D4 p.2.

30. By email on March 10, 2025, District Teacher of Students with Visual Impairments (TSVI) Aileen Mattsen¹⁰ informed the Parents that she was capable of conducting an FVE of the Student. Tr. p.371 (Mattsen); D6 p.1. As a TSVI, Ms. Mattsen provides educational support for students with a visual impairment that impacts their ability to access their education. Ms. Mattsen explained that the FVE would “review information from an optometrist [or] ophthalmologist so that I can explain the potential educational impact of the [S]tudent’s visual impairment.” D6 p.1. Ms. Mattsen noted that an FVE also determines the functional visual acuity of a student in an education setting and includes a learning media assessment. D6 p.1. However, Ms. Mattsen was not an optometrist or ophthalmologist and could not provide an FVE as an optometrist or ophthalmologist. Tr. p.371 (Mattsen).

31. Throughout March, Ms. Parent and Ms. Wallace continued to speak back and forth, via email. D6. Ms. Parent voiced two primary concerns – that the evaluation PWN did not mirror her understanding of the outcomes of meetings, and that the District would not provide the Student with a FVE directly targeting convergence insufficiency. D6 p.4-5.

Special Education Community Complaint

32. On March 10, 2025, the Parents filed a Special Education Community Complaint (SECC) with the Office of Superintendent of Public Instruction (OSPI). D7 p.1. Four issues were considered in the SECC:

1. Did the District provide the Parent with prior written notice (PWN) pursuant to WAC 392-172A-05010 following the January 28, 2025 IEP meeting, regarding her request for a functional vision assessment?
2. Did the District follow independent educational evaluation (IEE) procedures when responding to the Parent’s request for an IEE for a functional vision assessment?
3. Did the District provide the Parent with a copy of the procedural safeguards in accordance with WAC 392-172A-05015?
4. Did the District afford the Parent an opportunity to meaningfully participate in the development of the Student’s IEP in accordance with WAC 392-172A-03110, particularly considering allegations by the Parent that the District provided misinformation about the special education process and the Student’s rights to receive special education services?¹

D7 p.1.

¹⁰ Aileen Mattsen has been a TSVI for roughly 30 years. Ms. Mattsen received a bachelor’s degree from Eastern Michigan University with a certification in special education and a specialization in educating the visually impaired. Ms. Mattsen received a master’s degree in education with an emphasis in orientation and mobility instruction from Stephen F. Austin State University. Tr. p.361-362 (Mattsen).

33. In a decision issued on May 8, 2025, OSPI found the District did not comply with requirements for providing timely and clear PWN during the referral meeting process. D7 p.11. OSPI also found that the District failed to comply with procedural safeguard regulations. D7.p13. As corrective action, OSPI ordered training regarding PWN and procedural safeguards. D7 p.14. OSPI found no other violations. D7 p11-12.

Special Education Evaluation

34. On May 22, 2025, Parents provided the District with their signed evaluation consent form. D9. The signed consent form gave consent to evaluate the Student for:

Renton School District recommends an evaluation for your child to address the following areas:

☒ General Education	☒ Observation	☒ Medical-Physical	☒ Cognitive
☒ Reading	☒ Writing	☐ Math	☐ Listening Comprehension
☐ Oral Expression	☒ Executive Functioning	☒ Social/Emotional and Behavior	☒ Adaptive
☒ Communication	☒ Fine Motor	☐ Sensory	☒ Gross Motor
☐ Audiology	☒ Hearing	☒ Vision	☐ Orientation and Mobility
☐ Vocational	☐ Age Appropriate Transition Assessment	☐ Other	☐ Academic
☐ Social/Emotional	☐ Behavior		

D9 p.1.

35. Once the District received the Parents' signed consent, they began evaluating the Student. Tr. p.216 (Robins-Deville). The District performed assessments in the following areas: general education, D13 p.8; observation, D13 p.9; medical-physical, D13 p.11; cognitive, D13 p.12; reading, D13 p.18; writing, D1 p.23; executive functioning, D13 p.25; social/emotional, D13 p.28; adaptive, D13 p.33; communication, D13 p.38; fine motor, D13 p.43; gross motor, D13 p.45; and vision. D13 p.47. Hearing was not evaluated as its own subsection, however, hearing was generally assessed as part of the District's medical/physical evaluation. D13 p.12.

36. Ms. Robins-Deville conducted the general education assessment, which reviewed the Student's performance in the HOME program. D13 p.8-9. This included teacher input, Ms. Robins-Deville's interaction with the Student, as well as an examination of the Student's progress between August 2024 and June 2025. Progress was classified as "Satisfactory" for each month, with two exceptions. In January 2025 and August 2024, progress was classified as "Warning." D13 p.8-9. This classification was used when progress had not yet been determined and did not reflect a lack of Student understanding. Tr. p.138-39; p.153 (Solvang).

Date	Progress Determination Made?	Progress Classification
Jun 2025	Yes	Satisfactory
May 2025	Yes	Satisfactory
Apr 2025	Yes	Satisfactory
Mar 2025	Yes	Satisfactory
Feb 2025	Yes	Satisfactory
Jan 2025	No	Warning
Dec 2024	Yes	Satisfactory
Nov 2024	Yes	Satisfactory
Oct 2024	Yes	Satisfactory
Sep 2024	Yes	Satisfactory
Aug 2024	No	Warning

5/19/2025	Math	2364 (1)
5/19/2025	ELA	2280 (1)

D13 p.8-9.

37. The general education section also included a review of Dr. Battin's report. D13 p.9.

38. Regarding the observation section of the evaluation, Ms. Robins-Deville observed the Student in her astronomy class, multicultural music and movement class, and her civilization class on September 3, 2025. D13 p.9-11. Ms. Robins-Deville also observed the Student during a lesson on reading and writing. Tr. p.260, 263 (Robins-Deville). Observations typically include one class period; however, Ms. Robins-Deville

observed the Student for “almost an entire day” to capture the Student’s full functioning in different settings. Tr. p.243 (Robins-Deville).

39. The medical-physical section of the evaluation was conducted by Michele Shilley,¹¹ a registered nurse. The evaluation was conducted via records review as Ms. Parent did not respond to requests for current information. D13 p.11. The records review included the Student’s vision and hearing screenings from January 7, 2025, which the Student passed, and Dr. Battin’s September 15, 2024, report. D13 p.11-12. The evaluation considered the Student’s ADHD, autism, and anxiety disorder diagnoses. D13 p.12. Ms. Shilley noted these diagnoses “may impact [The Student’s] academic progress.” D13 p.12.

40. Ms. Robins-Deville also conducted the cognitive portion of the evaluation. Tr. p.244 (Robins-Deville). She reviewed Dr. Battin’s administration of the Wechsler Intelligence Scale for Children, Fourth Edition (WISC-IV), from August 11, 2024. D13 Ms. Robins-Deville also administered the Kaufman Battery of Children (KABC-II). D13 p.14. Ms. Robins-Deville noted that:

Overall, [REDACTED] presents with cognitive skills ranging from average to high. Due to large variability between her cognitive skills, [REDACTED] individual strengths and weaknesses must be considered. Her long-term memory skills represent a personal and normative strength, equaling or exceeding 99% of her same aged peers. [REDACTED] also demonstrated strong visual spatial skills and excelled when solving game-like puzzles (Rover). This is consistent with Dr. Battin’s findings. More so, [REDACTED] short-term memory, crystallized knowledge, fluid reasoning, working memory, and verbal comprehension composites fall within the average range. While [REDACTED] processing speed was assessed to be below her same aged peers in Dr. Battin’s report, this did not impact her in the current assessment. On many tasks, [REDACTED] was observed to earn additional points for her speed and accuracy.

D13 p.18.

41. Ms. Robins-Deville also completed the reading section of the evaluation. D13 p.18. The reading section reviewed Dr. Battin’s report, which included her evaluation of the Student using the Comprehensive Test of Phonological Processing, second edition (CTOPP-2). D13 p.17-18. Ms. Robins-Deville also considered Parents’ and teacher input, as follows:

¹¹ Ms. Shilley did not appear for hearing and did not provide testimony as to her educational or professional background. She is listed as a registered nurse. D13 p.11.

██████ is a student in the HOME program, which allows parents to select which reading curriculum they use with their students. They are also able to change curriculums as they please. More so, it should be noted that ██████ completes all her reading instruction at home, under the supervision of her parents. Parent and teacher share that ██████ discovered a Dyslexic font on her computer, which has "helped her a lot". Parent and teacher also agree that ██████ has a strength in using context clue to decode words she doesn't know and make sense of passages that may be slightly above her Lexile skills. These skills likely contribute to ██████'s strong reading comprehension skills.

Per parent report, ██████ was primarily using the Orton-Gillingham All About Reading curriculum for students with dyslexia until May of 2024, when they switched to Nessy due to lack of progress. The Nessy Reading and Spelling program follows a game-based learning approach, that follows "the Science of Reading" approach which incorporates '5 pillars of literacy: Phonemic Awareness, Phonics, Fluency, and Comprehension'. In this program, students work through 20 islands (10 for spelling and 10 for reading), which progress students through lessons ranging from 1st- approx. 5th grade. At the end of each island, students are given an assessment which determines if they progress to the next island or go back to an area they did poorly on.

D13 p.19.

42. Ms. Robins-Deville observed the Student working through some of her Nessy lessons on September 4, 2025. The Student successfully completed each of the five lessons that were observed. D13 p.19. The reading section further considered data that the Parents provided about the Student's Nessy reading lessons from May 1, 2024 to September 11, 2025. D13 p.19. The following test data was included:

Date	Nessy Reading Score	Nessy grade level
5/1/24	21/100	1.6
5/15/24	4/100	1
5/17/24	6/100	1
5/22/24	18/100	1.5
6/4/24	12/100	1.2
6/24/24	24/100	1.7
7/2/24	22/100	1.6
8/22/24	23/100	1.7
10/24/24	27/100	1.8
11/29/24	36/100	2.1
12/3/24	32/100	2
1/7/25	42/100	2.3
1/23/25	30/100	2
1/31/25	33/100	2
2/26/25	43/100	2.4
4/9/25	44/100	2.4
6/26/25	56/100	2.8
8/15/25	71/100	3.5
8/16/25	63/100	3.1
8/19/25	64/100	3.1
9/7/25	51/100	2.6
9/11/25	64/100	3.1

D13 p.19-20.

43. During this timeframe, the Student showed a grade level improvement of 1.5 years. D11 p.3. However, the Parents believed the May 1, 2024 baseline over-represented Student's abilities and considered May 15, 2024, to be a better indicator. D13 p.19.

44. In addition, the Student was administered subtests from the Weschler Individual Achievement Test, Fourth Edition (WIAT-4), to assess her reading skills. D13 p.20-22. The Student scored in the 39th percentile in the reading composite. In the word reading subtest, she scored in the 9th percentile, and in the reading comprehension subtest, she scored in the 84th percentile. D13 p.20-21. The section noted:

██████ overall Reading Composite score should be interpreted with caution due to large variability in her performance on tasks that make up this composite. The magnitude of this difference is both statistically significant ($P < 0.05$) and relatively rare, occurring in 2% or less of the standardization sample. due to the magnitude of this different, this overall composite score if rendered uninterpretable. Thus, it becomes necessary to consider ██████ individual strengths and weaknesses within her reading skills.

To complete the Reading Comprehension subtest, ██████ was asked to read passages with increasing difficulty and then answer comprehension questions about them. When reading a grade level passage, ██████ was able to answer literal, inferential, narrative, and expository questions with 100% accuracy. More so, she was successful in answering comprehension questions about passages above her current grade level. This performance earned her a standard score that is in the high average range and represents a personal strength for ██████. When asked to read words in isolation from a screen (without text accommodations), ██████ was able to read some grade level words but struggled with others. For example, she was successful with: Playfully, crumb, photograph, manage, interject, ridiculous, tough, etc. she struggled with words such as: Poise, radiant, garnish, budge, etc. This performance earned her a standard score that is falls below her same aged peers.

D13 p.21.

45. The Student's phonological processing composite score was in the 30th percentile. She score in the 47th percentile in phonemic proficiency subtest and in the 25th percentile in the pseudoword decoding subtest. D13 p.21. This section notes:

Overall, ██████ Phonological Processing skills fall within the average range when compared to her same aged peers. The Phonemic Proficiency subtest measures student's ability to hear, discriminate, and manipulate sounds within words. On this task, ██████ is asked to identify different parts of words, substitute parts of words, and reverse sounds within words. ██████ performance on these tasks earned her a score within the average range when compared to her peers. The Pseudoword Decoding subtest required ██████ to sound out made-up words, measuring her awareness of phonetic rules. She was able to read many of these words with quickly and fluently (reading the words as a whole instead of sounding out each individual part before blending it together), earning her a standard score in the average range.

D13 p.21.

46. The Student's reading fluency composite score placed her in the 14th percentile. She scored in the 10th percentile in oral reading fluency and orthographic fluency subtests, as well as the 39th percentile in decoding fluency. D13 p.21-22. This section notes:

Due a to large variability between ██████ performance on the Decoding Fluency and Orthographic Processing Fluency subtests, it is difficult to describe her Decoding skills with a single Aggregate score. The magnitude of this difference is both statistically significant ($P < 0.05$) and relatively rare, occurring in 5% or less of the standardization sample. Thus, this overall composite is rendered uninterpretable and it becomes necessary to consider individual strengths and weaknesses within this skill.

██████ performance on the Decoding Fluency task was stronger, when she was asked to decode made-up words as quickly as she could. Her performance on this task earned her a standard score in the average range. To complete the Oral Reading Fluency subtest, ██████ was asked to read grade level passages quickly and accurately. Orthographic fluency required her to read a list of irregular words (IE: irregular verb patterns) as quick as possible, measuring site word automaticity. ██████ performance on both tasks was slower than her same aged peers, earning her standard scores in the below average range. Decoding fluency asked her to quickly and accurately decode words with increasing difficulty.

D13. P.22.

47. The Student also showed elevated risk for dyslexia with a dyslexia index score in the 23rd percentile, word reading in the 9th percentile, and the 47th percentile in phonemic proficiency. D13 p.20-22. The discussion section noted:

Like other composites above, the difference between [REDACTED]'s Word Reading and Phonemic Proficiency subtests is both statistically significant ($p < 0.05$) and relatively rare, occurring in 10% or less of the standardization sample. Thus, this index should be interpreted with caution. See composites above for [REDACTED]'s performance on individual subtests within this index.

D13 p.22.

48. In the discussion section of the reading assessment, Ms. Robins-Deville stated:

[REDACTED] demonstrated a personal strength in reading comprehension and phonological processing. Her fluency when reading made up words falls in the average range, while her fluency was slightly below average when reading real words (both regular and irregular). Her performance on the word reading task indicates that [REDACTED]'s individual word reading skills fall in the below average range, however she continues to make progress in response to her current reading curriculum. This is evident by her NESSY data, as [REDACTED] made grown at least 1.5 grade levels since May 2024. More so, [REDACTED] HOME program teachers reports progress in class, and she has received 'satisfactory' marks on her Written Student Learning Plan (WSLP) since January of 2025.

D13 p.23.

49. The writing section of the special education evaluation was completed by Ms. Robins-Deville. D13 p.23. As part of the writing evaluation, Ms. Robins-Deville reviewed Parents' reports, examined Nessy spelling data, and observed the Student, noting:

After these lessons, [REDACTED] was asked to do some work in her ABEKA phonics workbook. For this task, [REDACTED] had been working on rewriting sentences with correct capitalization and punctuation. While her pace was slightly slower than expected when writing these sentences, [REDACTED] was able to produce correct capitalization and punctuation in 2/2 sentences. It should be noted that she was able to go back and edit her work on one the sentences, adding a punctuation she initially missed.

When asked about curriculum or lessons that allow [REDACTED] to generate her own ideas and/or writing, parent reported that this was most present in [REDACTED] history curriculum. In these tasks, [REDACTED] is asked to read textbooks and then asked comprehension questions at the end of each section. These answers reportedly allow [REDACTED] to generate her own thoughtful responses and ideas, although she is not frequently asked to record these answers in a written work. Below is [REDACTED]'s NESSY spelling data (shared by parent).

Date	Nessy Spelling Score	Nessy grade level
5/1/2024	14/100	1.3
5/16/24	12/100	1.2
5/29/24	22/100	1.6
6/24/25	23/100	1.7
10/18/24	25/100	1.7
11/29/24	30/100	2
1/17/25	32/100	2
4/9/25	30/100	2
6/27/25	41/100	2.3
8/19/25	23/100	1.7
9/7/25	30/100	2

D13 p.23.

50. Additionally, the Student was administered the WIAT-4 and the Kaufman Test of Educational Achievement, Third Edition (KTEA-3) to assess her writing. D13 p.23-24. The Student scored in the average range on the KTEA-3 written expression subtest. D13 p.24.

51. With the WIAT-4, the Student was administered three subtests that make up the written expression composite: spelling, essay composition, and sentence composition. D13 p.24. However, the tests were rendered uninterpretable due to relatively rare, statistically significant, differences between the Student's spelling and sentence composition subsets, requiring individual examination of the Student's writing skills. D13 p.25. The evaluation went on to say:

On writing tasks, [REDACTED] was able to add age-appropriate words and sentences to a story, that contained adequate structure capitalization and punctuation. This earned her a Written Expression score in the average range (KTEA-3). She was also able to adequately combine sentences, maintaining their meaning and essential information (Sentence Combining). She was inconsistent when producing sentences that contain a target word (WIAT-4). Across all measures, [REDACTED] struggled with spelling.

D13 p.25.

52. Ms. Robins-Deville completed the evaluation of the Student's executive functioning section. D13 p.25. Ms. Robins-Deville reviewed Dr. Battin's 2024 evaluation, which included testing using the Delis-Kaplan Executive Functioning System (DKEFS) and the Behavior Rating Inventory of Executive Function (BRIEF). D13 p.25.

53. Dr. Battin's reports showed the following:

Review of Records

[REDACTED] was administered the Behavior Rating Inventory of Executive Functioning (BRIEF) and the Delis-Kaplan Executive Functioning System (DKEFS), as a part of Dr. Battin's evaluation in 2024. Below is a review of this information.

BRIEF: "Elevated scores on: Inhibit, Shift, Emotional Control, Initiate, Working Memory, Plan/Organize, Org. of Materials, Monitor". No standard or scale scores were reported.

DKEFS:

Index/Subtest	Score
Color Naming	10
Word Reading	13
Inhibition	13
Inhibition/Switching	8

*Per the DKEFS examiner's manual, scaled scores have a mean of 10 and a standard deviation of 3.

D13 p.25.

54. Ms. Robins Deville also administered the Comprehensive Executive Function Inventory (CEFI). D13 p.26. The CEFI included teacher and parental reports of the Student's behavior. D13 p.26. Both Kristie Walker,¹² the Student's general education teacher, and the Parents entered data on the Student, in the following areas: emotional regulation; initiation; flexibility; self-monitoring; planning, attention, working memory; inhibitory control; and organization. D13 p.26-28. In every area, Ms. Walker's responses showed the Student as average, while the Parents scored the Student as average in all areas but working memory and initiation, which scored below average. D13 p.26-28. Scores from the Parents and teacher in the full-scale executive functioning composite, which aims to quantify executive functioning skills into a single score, were in the average range. D13 p.26.

55. The discussion section for executive functioning stated:

Overall, [REDACTED] presents with age-appropriate executive functioning skills at home and in school. Parent and teacher report a personal strength in emotional regulation, suggesting that [REDACTED] is generally in control of her emotions, even when in stressful situations. More so, reports indicate age-appropriate skills in the following areas: Attention, flexibility, inhibitory control, planning, self-monitoring, and flexibility. While parent reports below average scores in Initiation, Organization, and Working Memory; Teacher reports age-appropriate skills.

D13 p.28.

56. Ms. Robins-Deville also led the evaluation of the Student in the category of social/emotional and behavior. D13 p.28. As part of this evaluation, Ms. Robins-Deville reviewed Dr. Battin's report, where Dr. Battin conducted the Behavioral Assessment System for Children (BASC), the Gilliam Aspergers Disorder Scale (GADS), the Social Responsiveness Scale (SRS-2), the Revised Children's Manifest Anxiety Scale (RCMAS-2), and the Autism Skills Rating Scale (ASRS). D13 p.29. Ms. Robins-Deville also considered Dr. Battin's interpretation of these assessments, which read:

BASC-3

- Parent reported elevated scores on the following scales: Hyperactivity, Anxiety, Depression, Somatization, Attention Problems, Atypicality, Withdrawal. Challenges with: Functional Communication and Activities of Daily Living
- Teacher reported elevated scores on the following scales: Elevated scores on: Hyperactivity, Anxiety, Depression, Somatization, Attention Problems, Learning Problems, Atypicality.
- [REDACTED] reported elevated scores in the following scales: Atypicality, Locus of Control, Social Stress, Anxiety, Depression, Sense of Inadequacy, and Attention Problems.

ASRS

- Parent: 93rd %ile ASD traits
- Teacher: 99th %ile ASD traits

SRS-2: Severe Range

RCMAS-2: Anxiety

GADS: 100, high/probable

¹² Ms. Walker did not provide testimony in this case and there is not evidence as to her educational training or professional background.

D13 p.29.

57. Ms. Robins-Deville noted that Dr. Battin's report did not include standardized scores for these scales and that it is not clear which teacher reported the information that was reflected in these tests. D13 p.29.

58. Ms. Robins-Deville, in addition to reviewing Dr. Battin's report, also conducted the Behavioral Assessment System for Children, Third Edition: Parent and Teacher Rating Scales (BASC-3 PRS; BASC-3 TRS). D13 p.29. Ms. Walker completed the teacher response section, which included the following notes:

*All validity index were within acceptable ranges

Strengths: "She relates well to peers and wants to please."

Concerns: "She checks out sometimes and requires a second explanation or check-in; Without this, she might only listen to part of the directions and act on those. She also struggled to identify when she needs to ask for help and will push full steam ahead without necessarily knowing what she is doing."

D13 p.29.

59. The Parents' response section was completed by Ms. Parent, and included the following notes:

*All validity index were within acceptable ranges

Strengths: "[REDACTED] is able to cope. I can tell when she is having extra strong feelings to a situation and it shows but she copes and processes those emotions quickly."

Concerns: "Vision: She has difficulties tracking letters on a page (she can see clearly). I don't have any behavior or emotional concerns about [REDACTED] at this time."

** At the feedback meeting on 9/16/2025, parent shared that [REDACTED] had experienced a traumatic incident involving another classmate shortly before completing this scale. Per parent report, if she were to complete this scale now, there would likely be less concerns.

D13 p.30.

60. The BASC-3 TRS examined the Student in five sections: school problems, internalizing problems, externalizing problems, behavioral symptoms index, and adaptive skills, while the BASC-3 PRS examined four sections: internalizing problems, externalizing problems, behavioral symptoms index, and adaptive skills. D13 p.30. The teacher's responses scored the Student as at-risk for school problems; average for internalizing as a composite, with anxiety as an outlier, which was flagged as clinically significant; average in the externalizing composite; average in the behavior symptoms index; and average in the adaptive skills composite. D13 p.30-32. Ms. Parent scored the Student as at-risk in the internalizing composite; at-risk in the externalizing composite, with hyperactivity marked as clinically significant; clinically significant for the behavior symptoms index, with atypicality marked as clinically significant; and average in the adaptive skills composite. D13 p.30-32. The discussion section read:

Across settings, [REDACTED] does not engage in any more aggression or conduct behaviors and is able to be present and contribute to large group conversations/activities. Raters agree that she can adapt to changing situations/demands/environments and possesses sufficient social skills to create and maintain age-appropriate relationships.

Teacher reports no more hyperactivity, depression, or somatization than expected for [REDACTED] age, however parent endorses elevated scores in these areas. Similarly, teacher shares that [REDACTED] demonstrates clear and logical thought patterns, while parent suggests that [REDACTED] engages in behaviors that they consider strange or odd and often is unaware of her surroundings.

Parent reports an average Leadership score, while teachers score falls in the at-risk range. Both raters reported elevated Anxiety, and Attention Problems scores, with below average functional communication scores.

D13 p.33.

61. Ms. Robins-Deville also completed the adaptive skills section of the evaluation. D13 p.33. There was no previous data to review because Dr. Battin had not evaluated the Student in this area. Tr. p.269-270. To assess the Student's adaptive skills, Ms. Parent and Ms. Walker were asked to complete the Adaptive Behavior Assessment System, Third Edition (ABAS-3). The report noted:

*Both parent and teacher's overall GAC score should be interpreted with caution due to large variability in scale/composite scores that make up this overall aggregate score. The magnitude of this variability is statistically significant and relatively rare, occurring in 5% or less of the standardization sample. [REDACTED] individual strengths and weaknesses within her adaptive skill should be considered.

D13 p.33.

62. Ms. Robins-Deville also had Ms. Walker complete the Vineland-3 assessment, which also assesses adaptive skills. D13 p.33. Ms. Walker's scoring did not lead to an interpretable score for any area on the Vineland-3. D13 p.35-37.

63. The ABAS-3 scored the Student on several areas, based on observations by Ms. Parent and Ms. Walker. D13 p.33. Those areas were conceptual composite; social composite; and practical composite. D13 p.33-35. Ms. Walker ranked the Student low in conceptual composite, above average in social composite, and average in practical composite. D13 p.33-35. Ms. Parent scored the Student as below average in conceptual composite, average in social composite, and below average in practical composite. D13 p.33-35. Every section urged caution in using the rating scales due to ranging skills and scores. D13 p.33-35.

64. The discussion section reflected the difficulty of scoring the Student using the available assessments. The section stated:

Overall, it is difficult to describe [REDACTED] adaptive skills with a single aggregate score due to large variability between skills that make up this area. Both raters endorsed average to above average social/leisure, health/safety, and school/home living skills. These include, but are not limited to: Being able to create/maintain adequate relationships, following rules and expectations, using materials appropriately, knowing how to care for minor injuries, etc.

Parent reported self-care, self-direction, functional academics, and community use scores in the below average range. It should be noted that many of the things parents reported [REDACTED] is unable to do, include tasks that she does not have exposure to (IE: Independently navigating her neighborhood to find a friend's house, managing money, etc.). More so, [REDACTED] was observed to manage herself and her materials in class, find and open her locker, advocate for herself in class, ask clarifying questions, log into her Chrome book and navigate to her desired program, follow instructions, navigate the school building, etc. (See observations section of this report).

D13 p.37.

65. The communication section of the evaluation was completed by Fiona Kwong,¹³ the District's speech language pathologist. D13 p.38. Ms. Kwong used the following assessment tools to complete her evaluation of the Student:

Assessment Measures:

- Oral and Written Language Scales - 2nd Edition (OWLS-II)
- Comprehensive Assessment of Spoken Language - 2nd Edition (CASL-2)
- Pragmatic Language Skills Inventory (PLSI)
- Stuttering Severity Instrument - 4th Edition (SSI-4)
- Overall Assessment of the Speaker's Experience of Stuttering (OASES)
- Teacher observation of stuttering
- Arizona Articulation and Phonology Scales - 4th Edition (AAPS-4)
- School-age Language Assessment Measures (SLAM)
- SLP observation
- Student Interview

D13 p.38.

66. The OWLS-II was used to measure the Student's expressive and receptive language skills. The Student performed in the average range on all sections of the OWLS-II. D13 p.38-39. The Student also scored in the average range on the CASL-2, which measures pragmatic language skills. D13 p.39. The PLSI also measures pragmatic language abilities; the Student scored in the average range on all areas of the PLSI, except for a below average score in classroom interaction. D13 p.39-40. With respect to speech articulation, the Student's score fell within normal limits on all aspects of the AAPS-4. D13 p.40. The results of the SSI-4, which assesses speech fluency skills, placed the Student's stuttering in the mild range. D13 p.41. The Student's responses on the OASES indicated that stuttering had a mild-moderate impact on her life. D13 p.38-42.

¹³ Ms. Kwong did not provide testimony at hearing, and her educational and professional history are not known. However, her evaluation notes that she possesses a Master's of Science and a Certificate of Clinical Competence in Speech-Language Pathology (CCC-SLP). D13 p.38.

67. Ms. Kwong also interviewed the Student and her teacher and observed the Student in class for approximately one hour. D13 p.42-43. The Student self-reported foreseeing no challenges related to her stutter in the upcoming year. She also reported feeling confident (8-9 on a scale of 1-10) about her communication skills. D13 p.42. Ms. Walker reported the following:

- Strengths:
 - Rarely avoids talking or answering questions in class due to stuttering
- Areas of concern:
 - Sometimes switches words to avoid stuttering
 - Sometimes avoids talking to peers due to stuttering
 - "Somewhat negative" impact noted

Ms. Walker shared that when [REDACTED] wants something, she doesn't let her speech "get in the way." She will persist on her utterances approximately 75% of the time. Sometimes she will "revisit" and state her ideas later, and sometimes she abandons the utterance. She notices some frustration, but this is mild and infrequent.

D13 p.42.

68. The evaluation noted that the Student's voice was within normal limits and did not demonstrate "any concerning vocal qualities, like hoarseness or vocal strain." D13 p.42. Ms. Kwong's observation notes on the Student do not include any concerns as to the Student's ability to communicate. D13 p.42-43.

69. The conclusion section read:

In conclusion, [REDACTED] does not qualify for specially designed instruction in communication. She presents with a mild stutter and mild-moderate impact, mostly due to general knowledge about stuttering. She is not currently demonstrating an adverse social impact due to her abilities to communicate and specially designed instruction is not recommended at this time. Accommodations are recommended to help foster a comfortable and supportive communication environment to meet her current needs.

Recommended accommodations:

- Providing extra time for verbal response
- Alternative assessments of knowledge (i.e. written vs. spoken presentations or exams)
- Allow practice opportunities before verbal presentations
- Supportive environment (teach others not to interrupt, allowing wait time for [REDACTED] to complete her thoughts, etc.)

70. Ingrid Rowland,¹⁴ an occupational therapist, completed the fine motor evaluation of the Student. D13 p.43. Ms. Rowland examined the Student using the

¹⁴ Ms. Rowland did not provide testimony during hearing, and her educational and professional history are not known. Ms. Rowland is noted as an occupational therapist, registered and licensed (OTR/L). D13 p.43.

Bruininks-Oseretsky Test of Motor Proficiency (BOT-3), reviewed existing files for the Student, including Dr. Battin's report, and performed clinical observation. D13 p.43.

71. On the BOT-3, the Student scored average or above-average in all sections, demonstrating little issue with her coordination or motor control. D13 p.43-44. The clinical observations of the Student examined her behavior, pencil grasp, scissor skills, drawing, handwriting, and typing skills. D13 p.42-43. No significant concerns were noted. D13 p.42-43.

72. Ms. Rowland concluded the following:

Statement of the Apparent Significance of the Findings as Related to the Suspected Disability(ies) and Instructional Program: Based on the results of this assessment and professional judgment, [REDACTED] does not qualify for Fine Motor services in the school setting. She is demonstrating functional fine motor skills as expected for her age and grade level in order to access and participate in educational activities. Accommodations are recommended and noted above.

D13 p.45.

73. Janeen Arnold,¹⁵ a physical therapist, completed the gross motor section of the evaluation. D13 p.45 To evaluate the Student, Ms. Arnold reviewed the Student's existing file, administered the Test of Gross Motor Development – Third Edition (TGMD-3), and completed clinical observations. D13 p.45-46.

74. The TGMD-3 measures gross motor skills, with subtests of locomotor and object control. The Student's scores in all areas were average to above average. D13 p.46

75. Ms. Arnold observed the Student when walking, jumping, doing jumping jacks, galloping, skipping, side-sliding, performing sit-ups, and holding a plank. D13 p.46. Ms. Arnold also tested the student's balance, object manipulation, and ability to transition throughout various locations. D13 p.46-47.

76. Ms. Arnold concluded that the Student's functional gross motor skills allow her to access her education. D13 p.47. Ms. Arnold concluded that "physical therapy services in the school setting are not recommended at this time." D13 p.47.

77. The Vision section of the evaluation was completed by Aileen Mattsen. Ms. Mattsen has conducted roughly six to ten FVE's each year over the course of her 30 year career. Tr. p.361, 374 (Mattsen).

¹⁵ Ms. Arnold did not testify during the hearing, and her educational and professional history are not known. Ms. Arnold is noted as a physical therapist (PT). D13 p.45-46.

78. Regarding vision, Ms. Mattsen conducted a FVE on June 10, 2025. D13 p.47-38. The FVE included a functional visual acuity examination, with the following results:

Distance: Using a Snellen chart at 20 feet [REDACTED] visual acuity is Left: 20/20 Right: 20/20, 20/20 OU (both eyes)

Near: Using the Lighthouse near vision acuity chart [REDACTED] acuity is 20/25 OU at 16 inches.

1-inch line drawings of objects (eg. leaf, backpack, shoe), were identified from approximately 4 feet.

4-inch color images of any object with high or low-contrast were identified from 20 feet.

Color vision appeared to be normal. No difficulty observed with identifying shades and hues of colors. Additionally, when given Ishihara Color Blindness images, [REDACTED] had no difficulty identifying the numbers embedded in the images.

Contrast and Clutter: [REDACTED] did not appear to have any difficulty discerning images with a cluttered background. She indicated that doing tasks in "Look & Find" books is one of her favorite things to do. She took her time identifying the image rather than guessing what it might be in the clutter.

D13 p.48.

79. The FVE also included an assessment of the Student's learning media skills, which found:

The Learning Media Assessment determines a student's primary and secondary sensory channels and the most appropriate literacy media. [REDACTED] primary sensory channel appears to be vision, followed by hearing. [REDACTED] is a print reader as demonstrated by reading paragraphs of 12pt font from 10-12-inches with fluidity. While reading, [REDACTED] sometimes missed a word or a letter within a word. She did not correct the mistake unless it was pointed out. This did not impact her ability to understand the meaning of the sentences she was reading. This also did not affect her ability to track across a line of print. When given a variety of fonts to read, [REDACTED] chose to read 20pt Ariel or Times New Roman font from 12 inches. Her mother also reported that [REDACTED] prefers large fonts, especially the dyslexia font. [REDACTED] had fewer reading mistakes with the larger fonts.

[REDACTED] was asked to engage in several challenging visual tasks during this evaluation. The evaluation took place in the morning in a well-lit room with daylight coming in through the windows. She was not tested in dim or darkened environments. She did not demonstrate any visual fatigue, squinting, or gradually moving closer to the visual tasks she was presented with.

D13 p.48-49.

80. The assessment did not consider any ophthalmologist report for the Student, as no such report was provided to Ms. Mattsen. D13 p.48. The FVE also considered input from Ms. Parent, who was concerned that the Student used large fonts while reading, made more progress when using dyslexia-friendly fonts, and occasionally lost her place while reading. D13 p.48.

81. The Parents were concerned that the Student suffered from convergence insufficiency, which Ms. Mattsen did not evaluate as part of her FVE. D13. However, an FVE does look at vision tracking to see if a student shows issues that impact tracking ability. Tr. p.385 (Mattsen). The Student showed no behaviors or visual indicators which caused Ms. Mattsen concern regarding the Student's tracking ability. Tr. p.386 (Mattsen).

82. Dr. Battin recommended the Parents have an optometrist or ophthalmologist rule out convergence insufficiency or other functional vision challenge. P27 p.7. The evaluation of the Student did not evaluate the Student for convergence insufficiency. D13. The purpose of an FVE is to examine any issues that could impact a student's education, whereas treatment for convergence insufficiency is a medical intervention. Tr. p.370-371 (Mattsen). Vision therapy is not a service related to special education. Tr. p.383-384 (Mattsen).

83. Ms. Mattsen concluded that the Student "does not qualify for specially designed instruction in vision services" and recommended no services. D13 p.49. Ms. Mattsen noted the Student "can visually access her environment and curriculum commensurate to her peers." D13 p.49. As to accommodations, Ms. Mattson recommended the Student have access to her preferred fonts and sizes, that reading guides or reading windows be used to assist her tracking across lines, and that her copying from a board be limited. D13 p.49. These recommendations were based on the Student's preferences and Ms. Parent's report to Ms. Mattsen. D13 p.49.

84. The Parents were provided a draft of the evaluation report on September 12, 2026. Tr. p.110-111 (Ms. Parent); D12 p.1.; Tr. p.217 (Robins-Deville); P2. The draft evaluation was provided via an email from Ms. Robins-Deville. D12 p.1. In this email, Ms. Robins-Deville stated the evaluation draft "does not include any eligibility decisions, as this will be determined in our meeting on Tuesday." D12 p.1.

85. The evaluation team met on September 16, 2025, to discuss the Student's evaluation and to determine the Student's eligibility for special education services. D13 p.50. Both Mr. and Ms. Parent attended. D13 p.50. Also in attendance were Charles Ward and Alice Canal, special education teachers; Ms. Wallace; Ms. Rowland; Ms. Kwong; Ms. Arnold; Ms. Mattsen; Ms. Robins-Deville; Ms. Walker; and Ms. Solvang.

Additionally in attendance were Travis Hall, the HOME program principal; Amber Sterland, a general education teacher; and Sarah Wofford, an advocate who logged off before the meeting concluded. D13 p.50.

86. The evaluation team meeting involved significant discussion with District staff and the Parents. Tr. p.425-426 (Mr. Parent); Tr. p.289-290 (Robins-Deville); P7 p.11-12.

87. The Parents asked multiple questions about the assessments and provided input about the Student's performance at home. Tr. 289 (Robins-Deville); D13 p.51-52. The evaluation team found that the Student met the first two prongs for eligibility. She had a qualifying disability, given her diagnoses of Autism, ADHD, and Anxiety (prong 1). The Student also experienced adverse educational impact (prong 2). D13 p.50. However, the team determined that the Student did not require specially designed instruction (SDI). D13 p.50. The team determined that the Student did not meet special education eligibility under the IDEA, and proposed continuing to use a 504 plan, with additional accommodations. D13 p.50. The evaluation team concluded that the Student could receive her education in a general education setting with the aid of supports and a 504 plan and did not reach the threshold to qualify for special education services or an IEP. D13 p.50.

88. The evaluation team rejected finding the Student eligible for special education services under autism, other health impairment, or specific learning disability, as accommodations could meet the Student's needs without necessitating a departure from general education. D13 p.51. The evaluation team found the Student had a severe discrepancy but concluded that the Student did not require "SDI to access and make progress in the general curriculum." D13 p.4; Tr p.262 (Robins-Deville).

89. The evaluation summary included the following notes regarding the eligibility decision:

Reason not eligible:

██████████ is a bright and sweet student who attends the HOME program, through the Renton School District. Per the Washington Administrative Code (WAC), students must meet the following prongs:

- The student must have a disability, as outlined in IDEA
- The student's disability must have an adverse impact on their education
- This adverse impact may not be addressed through general education supports alone (With or without accommodations) and requires specially designed instruction.

██████████ has a diagnosis of Autism and meets the legal definition for a specific learning disability using the discrepancy model (satisfying prong #1). According to the results of this evaluation, ██████████ shows some areas that fall below grade level standards (IE: reading word reading/fluency, spelling, etc.); Satisfying prong #2. While ██████████ was not making adequate growth in reading and spelling with an Orton Gillingham curriculum (per parent report), Parents elected to switch to the NESSY program in May of 2024. Since starting this curriculum, ██████████ has made adequate growth in her reading skills (see reading section of this report). While spelling continues to be an area of need, this is not an area serviced by special education in the state of Washington. More so, ██████████ parents and HOME program teacher report that she started utilizing larger font, which has supported her progress and growth. While parents shared concerns regarding ██████████ vision, results of the functional vision exam done by the districts TVI document that ██████████ can access her education with and without accommodations. ██████████ fine motor, gross motor, and communication skills are within the average range when compared to her peers. Thus, ██████████ is accessing her education and making progress when given certain accommodations. Additional accommodations/recommendations from the evaluation team are outlined below.

D13 p.4-5.

90. The evaluation team recommended accommodations and modifications for the Student. The team also noted that the findings of the evaluation were not primarily due to “lack of instruction” or “limited English proficiency”. D13 p.6.

91. The evaluation team included the Parents, who disagreed with the evaluation team’s findings. D13 p.52. Documentation notes:

Parents expressed disagreement with the staff’s determination, noting that some reading subtests were lower. The staff explained that while certain subtest scores were lower, overall performance is not adversely impacting her ability to make progress in the general education curriculum. The general education teacher confirmed that [REDACTED] demonstrates progress when working with her and is able to engage successfully in instruction.

D13 p.52.

92. During the evaluation meeting, the Parents requested the evaluation team explain if the District considered any non-negative, non-neutral progress to be growth, to which Ms. Wallace told him that “growth is growth.” Tr. p.448-449 (Wallace). Ms. Wallace clarified at hearing that considerations of growth include a team’s decision as to if the growth is adequate, a decision that varies from team to team. Tr. p.449 (Wallace).

93. The Parents were provided with a PWN on September 16, 2025, stating the evaluation team was refusing to initiate services, why they were refusing services, brief descriptions of each evaluation procedure, assessment, record, and report the agency used as a basis for the refusal, a statement explaining the Parents’ rights and that notice of special education procedural safeguards had been provided to the Parents, a description of other options the team considered and why they were rejected, and extensive notes on other factors relevant to the refusal. D13 p.50-52.

94. The District did not hold school on May 26, June 19, or September 1, 2025, and was on break from June 24, 2025, to August 27, 2025. D17 p.1-2. The evaluation was completed September 12, 2025 and the evaluation meeting took place September 16, 2025. The District completed its evaluation of the Student within 35 school days of the Parents’ signed consent on May 22, 2025.

95. The Parents were offered an opportunity to review the draft evaluation report and submit edits and questions. See P3. Mr. Parent wished to include additional composite test scores in the evaluation report, which were not added, as they did not reflect the information the evaluation team relied upon in evaluation report. P7 p.14. The District did not issue a new PWN reflecting its rejection of Mr. Parent’s desire to add composite test scores in the evaluation report. However, the Student’s scores on

the state-wide smarter balance assessment (SBA) were added to the evaluation at Mr. Parent's request. (Comparing P1 p.8 and P2 p.3-4), see also P7 p.10.

96. In a series of emails exchanged between Ms. Robins-Deville and the Parents on September 19, 2025, Mr. Parent asked if the signature page needed to be signed in two days. Ms. Robins-Deville explained that was best practice, but that signatures showed agreement with the decision and results, and a dissenting opinion form could be filed as well. P7 p.38-39. Ms. Robins-Deville stated that she did not wish the Parents to sign anything with which they were uncomfortable. P7 p.19. Mr. Parent declined to sign the document until it was finalized. P7 p.33. The final draft of the evaluation was provided to the Parents on September 22, 2025, via email. D13 p.1.

97. Once documents are finalized, District software adds additional pages, such as the Medicaid Consent form. P4 p.54; Tr. p.451 (Wallace); Tr. p.229-230 (Robins-Deville). This information is added after the completion of the evaluation documents and allows parents to deny or allow information to be shared with Medicaid for a district to seek reimbursement for medical costs. Tr. p.229-230 (Robins-Deville). The generation of this form after the completion is an automatic function of District software. Tr. p.451-452 (Wallace). The Medicaid consent form was not shared with Mr. Parent prior to its generation when the evaluation paperwork was finalized. Tr. p.451-452 (Wallace).

98. The Parents disagreed with the evaluation team's eligibility decision. Tr. p.111-112 (Ms. Parent); Tr. p.426 (Mr. Parent); D14 p.1. The Parents submitted their written dissent, which detailed multiple areas of disagreement, on September 29, 2025. D15 p.3-10.

99. The Parents' written dissent included a formal request for an IEE, dated September 29, 2025. D15 p.10.

100. The District filed a request for hearing on October 3, 2025, to defend its evaluation.

CONCLUSIONS OF LAW

Jurisdiction and Burden of Proof

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 under these

provisions, including 34 Code of Federal Regulations (CFR) Part 300, and Chapter 392-172A Washington Administrative Code (WAC).

2. The District bears the burden of proof in this matter. RCW 28A.155.260(1). In a due process hearing, the burden of proof is a preponderance of the evidence. RCW 28A.155.260(3).

The IDEA and FAPE

3. Under the IDEA, a school district must provide a free and appropriate public education (FAPE) to all eligible children. In doing so, a school district is not required to provide a “potential-maximizing” education, but rather a “basic floor of opportunity.” *Bd. of Educ. of Hendrick Hudson Central Sch. Dist. v. Rowley*, 458 U.S. 176, 197 n.21, 200-201 (1982).

4. In *Rowley*, the U.S. Supreme Court established both a procedural and a substantive test to evaluate a state's compliance with the IDEA. The first question is whether the state has complied with the procedures set forth in the IDEA. The second question is whether the individualized education program developed under these procedures is 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*, 458 U.S. at 206-07.

5. Procedural safeguards are essential under the IDEA, particularly those that protect the parent’s right to be involved in the development of their child’s educational plan. *Amanda J. v. Clark County Sch. Dist.*, 267 F.3d 877, 882 (9th Cir. 2001). Procedural violations of the IDEA amount to a denial of FAPE and warrant a remedy only if they:

- (I) impeded the child’s right to a free appropriate public education;
- (II) significantly impeded the parents’ opportunity to participate in the decision-making process regarding the provision of a free appropriate public education to the parents’ child; or
- (III) caused a deprivation of educational benefits.

20 USC §1415(f)(3)(E)(ii); WAC 392-172A-05105(2); 34 CFR §300.513(a)(2).

6. “To meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” *Endrew F. v. Douglas County Sch. Dist. RE-1*, 580 U.S. 386,

399 (2017). The determination as to whether an IEP is reasonably calculated to offer a student FAPE is a fact-specific inquiry. As the U.S. Supreme Court has made clear, “[a] focus on the particular child is at the core of the IDEA,” and an IEP must meet a child’s unique needs. *Id.* at 400. The “essential function of an IEP is to set out a plan for pursuing academic and functional advancement.” *Id.* at 399. Accordingly, an IEP team is charged with developing a comprehensive plan that is “tailored to the unique needs of a particular child.” *Id.* at 391. Additionally, the Student’s “educational program must be appropriately ambitious in light of his circumstances” *Id.* at 402.

7. In reviewing an IEP, “the question is whether the IEP is *reasonable*, not whether the court regards it as ideal.” *Id.* at 999 (emphasis in original). The determination of reasonableness is made as of the time the IEP was developed. *Adams v. Oregon*, 195 F.3d 1141, 1149 (9th Cir. 1999). An IEP is “a snapshot, not a retrospective.” *Id.*

The District’s September 16, 2025, Evaluation Was Appropriate

8. The sole issue in the District’s case is whether the District’s September 16, 2025, evaluation of the Student was appropriate.

9. If a parent disagrees with a school district’s evaluation of their child, they have a right to an IEE at public expense under certain circumstances. WAC 392-172A-05005. If a parent requests an IEE, the school district must ensure an IEE is timely provided at no cost to the parent or initiate a due process hearing within 15 days to show that the district’s evaluation is appropriate. WAC 392-172A-05005(2)(c).

10. When conducting an initial special education evaluation of a student, a group of qualified professionals selected by the district is required to “use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student” to assist in determining whether the student is eligible for special education services and the content of the student’s IEP. WAC 392-172A-03020(2)(a). The group must “[n]ot use any single measure of assessment as the sole criterion” to determine if a student is eligible for special education. WAC 392-172A-03020(2)(b). The group must use technically sound instruments that may assess the relative contribution of cognitive, behavioral, physical, and developmental factors. WAC 392-172A-03020(2)(b) and (c). Assessments must be administered by “trained and knowledgeable personnel” and “in accordance with any instructions provided by the producer of the assessments.” WAC 392-172A-03020(3)(a)(iv) and (v).

11. Further, under WAC 392-172A-03025:

As part of an initial evaluation, if appropriate, and as part of any reevaluation, the IEP team and other qualified professionals, as appropriate must:

- a. Review existing evaluation data on the student, including:
- b. Evaluations and information provided by the parents of the student;
- c. Current classroom-based, local, or state assessments, and classroom-based observations; and
- d. Observations by teachers and related services providers.

12. Like IEPs, the appropriateness of an evaluation must be determined in light of what was known, or should have been known, at the time the evaluation was conducted. Whether an evaluation is appropriate should not be judged in hindsight. This is the so-called snapshot rule. See *Adams v. Oregon*, 195 F.3d 1141, 31 IDELR 130 (9th Cir. 2001).

13. When conducting special education evaluations, districts must ensure that a child is assessed in “all areas of suspected disability.” WAC 392-172A-03020 (3)(d) (emphasis added). The student must be “assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.” WAC 392-172A-03020(3)(e).

14. Additional evaluation procedures must be followed when determining whether a student has a specific learning disability (SLD). See WAC 392-172A-03045. Districts must “develop procedures for the identification of students with specific learning disabilities which may include the use of: (1) A severe discrepancy between intellectual ability and achievement; or (2) A process based on the student’s response to scientific, research-based intervention; or (3) a combination of both within a school district...” *Id.*

15. The evaluation team may determine a student has an SLD if he or she does not achieve adequately for his or her age or meet grade level standards when provided with appropriate learning experiences and instruction. WAC 392-172A-03055. An SLD can be found in several areas, including written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, and mathematics problem solving. *Id.* The evaluation team must also determine that the student’s lack of progress is not primarily due to other factors, sometimes called exclusionary factors, including lack of appropriate instruction in reading or math. *Id.*

16. A District is allowed to solely use the discrepancy model when determining whether a student has an SLD. See WAC 392-172A-03045. However,

Where evaluation results do not appear to accurately represent the student's intellectual ability or where the discrepancy between the student's intellectual ability and academic achievement does not appear to be accurate upon application of the discrepancy tables, the evaluation group, described in WAC 392-172A-03050, may apply professional judgment in order to determine the presence of a specific learning disability. Data obtained from formal assessments, reviewing of existing data, assessments of student progress, observation of the student, and information gathered from all other evaluation processes for students being identified for a specific learning disability must be used when applying professional judgment to determine if a severe discrepancy exists. When applying professional judgment, the group shall document in a written narrative an explanation as to why the student has a severe discrepancy, including a description of all data used to make the determination through the use of professional judgment.

WAC 392-172A-03070(2).

17. Also, “[s]chool districts must ensure that a student who is suspected of having a specific learning disability is observed in the student’s learning environment, including the general education classroom setting, to document the student’s academic performance and behavior in the areas of difficulty.” WAC 392-172A-03075(1).

18. A district need not evaluate in areas in which it does not suspect a disability. See, e.g., *Razzaghi v. Dist. of Columbia*, 44 IDELR 271 (D.D.C 2005); *Moses Lake Sch. Dist.*, 109 LRP 26490 (2008). An evaluation must be “sufficiently comprehensive to identify all of the student’s special education and related services needs.” WAC 392-172A-03020(3)(g).

19. Additionally, the District must prepare and provide the parents with an evaluation report. WAC 392-172A-03035. The evaluation report must include, among other things, a statement of whether the student has a disability that meets applicable eligibility criteria, a recommendation as to what special education and related services the student needs, and the date and signature of each professional member of the group certifying that the evaluation report represents his or her conclusion. WAC 392-172A-03035(a), (d) and (f).

20. A school district has thirty-five school days to complete an evaluation after it receives written consent to evaluate from the parent. WAC 392-172A-03005. A school

district and a parent may agree to a different time period for completing the evaluation and may agree to extend the timeline for completing the evaluation. Id.

21. Here, the District has shown that the Student was assessed in all areas of suspected disability, pursuant to WAC 392-172A-03020. The Student was assessed in the areas of general education, observation, medical-physical, cognitive, reading, writing, executive functioning, social/emotional, adaptive, communication, fine motor, gross motor, vision, and hearing. The Parents engaged in significant discussion with the District about the areas to be evaluated and the District responded to these concerns by adding assessments in multiple areas. There is no evidence that District teachers or staff believed it was necessary to assess the Student in any other areas.

22. The evaluation team also assessed whether the Student qualified for special education services due to SLD. The District evaluated the Student and determined that the Student met the definition of possessing an SLD, in this case, dyslexia, under the discrepancy model. This assessment included classroom observation. The District concluded that the Student experienced an adverse impact on their education due to SLD. However, the District found that the Student did not qualify for special education for an SLD, as the Student could access the general education curriculum using accommodations, such as large font, and thus did not qualify for SDI.

23. The Parents contend that the District's evaluation failed to assess the Student for convergence insufficiency. This claim is not persuasive for several reasons. First, the District assessed the Student in the area of vision in order to identify any visual issues that were impacting the Student's education. The purpose of an evaluation is to determine a student's need for special education services, not to diagnose or treat a medical condition such as convergence insufficiency. The results of the FVE demonstrated that the Student was able to visually access her environment and curriculum commensurate to her peers. Additionally, as Ms. Mattsen explained at hearing, an FVE looks at vision tracking to determine if a student shows issues that impact tracking ability. In this case, Ms. Mattsen did not see any behaviors or visual indicators that raised concerns about the Student's tracking ability. Additionally, to the extent the Parents rely on Dr. Battin's recommendation to rule out convergence insufficiency, Dr. Battin referred the Parents to private medical providers in making that recommendation. Finally, to the extent that Dr. Battin's report can be interpreted as recommending that the District assess for convergence insufficiency, more weight is given to the testimony of Ms. Mattsen, who has worked as a TSVI for thirty years and has administered six to ten FVEs each year over the course of her lengthy career.

24. The Parents also argue that past decisions have found that vision therapy can be an appropriate part of an IEP, citing to *Edmonds Sch. Dist.* 121 LRP 28093 (April 7,

2021). In that matter, the ALJ found that vision therapy was a relevant related service for a student who qualified for SDI in reading and vision related services. In this case, however, the Student is not eligible for special education services. The results of the FVE indicated that the Student was able to visually access her environment and curriculum commensurate with her peers. Additionally, this argument has no bearing on whether the District's evaluation of the Student was appropriate, which is the issue before the ALJ.

25. For all of these reasons, the District has shown that the Student was assessed in all areas of suspected disability.

26. The District has also shown that its evaluation was conducted by a group of qualified professionals, as required by WAC 392-172A-03020(2). The following professionals conducted the evaluation of the Student.

27. Elizabeth Solvang, the Student's HOME coordinating teacher, possesses nearly 25 years of teaching experience and has an undergraduate emphasis in elementary education as well as a relevant master's degree. Lily Robins-Deville, the school psychologist who completed much of the evaluation, has worked in her role for three years, interned with the District prior to that, graduated with an educational specialist degree in school psychology from Seattle University in 2023, and is a nationally certified school psychologist. Aileen Mattsen, the Teacher of Students with Visual Impairments who assessed the Student's vision, has worked in her role for nearly 30 years. She has an undergraduate degree with a certification in special education and a specialization in educating the visually impaired from Eastern Michigan University, as well as a master's degree in education with an emphasis in orientation and mobility from Stephen F. Austin State University. Michele Shilley, who completed the medical-physical section of the evaluation, is a registered nurse. Fiona Kwong, who completed the communication section of the evaluation, possesses a master's of science degree as well as a CCC-SLP. Ms. Rowland, who performed the fine motor portion of the evaluation, is an OTR/L. Ms. Arnold, who performed the gross motor section of the evaluation, is a PT.

28. The above professionals are all well-qualified in their areas of expertise to conduct an appropriate evaluation of the Student. Further, the District did not rely on only one qualified expert in creating the evaluation, but on a team of experts. Thus, the District has shown the evaluation meets the requirement of WAC 392-172A-0302(2).

29. Moreover, the District used a variety of technically sound assessment tools and strategies to gather relevant information about the Student. These included standardized assessments and ratings scales, input from the Parents and the

Student's teachers, a review of Dr. Battin's report, and extensive observation of the Student. The Student was assessed in general education using Ms. Robin-Deville's interaction with the Student, examination of the Student's progress and performance, classroom observation in multiple settings and a review of Dr. Battin's report. The medical-physical evaluation of the Student included a visual and auditory examination of the Student, records review, and a review of Dr. Battin's report. The Student passed her vision and hearing screening test. The cognitive evaluation included a review of records, a review of Dr. Battin's report and WISC-IV administration, and administration of the KABC-II. The reading evaluation included assessments of the Student using the WIAT-4 and a review of records, including Nessy progress data and Dr. Battin's report and administration of the CTOPP-2. The reading assessment also examined dyslexia extensively. The evaluation of the Student's writing included the WIAT-4, the KTEA-3, a review of the records including the Student's grades, and observation of the Student. The executive function evaluation included assessments of the Student via teacher evaluation, the CEFI Inventory, and a review of records, including Dr. Battin's report and administration of the DKEFS and BRIEF. The evaluation of the Student's social/emotional and behavior included administration of the BASC-3 PRS, BASC-3 TRS, and a review of existing records, including Dr. Battin's report and administration of the BASC, GADS, SRS-2, RCMAS-2, and ASRS. The evaluation of the Student's adaptive skills included administration of the ABAS-3, the Vineland-3, and observations of the Student. The communication evaluation included the OWLS-II, CASL-II, PLSI, SSI-4, OASES, AAPS-4, SLAM, observations by the teacher, SLP observations, and an interview with the Student. The fine motor evaluation of the Student included the BOT-3, clinical observations, and a review of existing records, including Dr. Battin's report. The gross motor evaluation included assessments using the TGMD-3, clinical observations of numerous activities, and a review of records, including Dr. Battin's report. The vision evaluation included an FVE, including evaluations of the Student's learning media skills, clinical observations, and vision assessment.

30. Thus, the District has shown that the Student was assessed using a wide variety of tools and strategies in order to gather relevant functional, developmental, and academic information about the student as required by WAC 392-172A-03020(2)(a).

31. The District has also shown that its evaluation of the Student was sufficiently comprehensive to determine all of her special education and related service needs. WAC 392-172A-03020(3). Through the use of multiple assessment tools in numerous areas of assessment, the District gathered extensive information about the Student's skills and functioning. This data provided the evaluation team with sufficient information to determine all of the Student's special education and related service needs.

32. Further, the District prepared an evaluation report as required by WAC 392-172A-03035. The evaluation report included significant discussion about the assessments conducted and the data obtained. The report also included a statement that while the Student had a qualifying disability and experienced adverse educational impact, special education and related services were not recommended because the Student did not require SDI. Additionally, the report contained a signature page reflecting that all professional members of the team agreed to the evaluation report and that the Parents disagreed with the evaluation.

33. Lastly, the District timely completed its evaluation on September 16, 2025, which was thirty-five school days after receipt of the Parents' written consent.

34. Because the evaluation assessed all areas of suspected disability and was sufficiently comprehensive to determine the Student's special education and related services needs, the District has shown by a preponderance of the evidence that the evaluation of the Student was appropriate. It has also shown the evaluation was completed within the appropriate amount of time. Accordingly, the Parents are not entitled to an IEE at public expense.

The Student Is Not Eligible For Special Education Services

35. The Parents' Complaint challenges the evaluation team's decision that the Student was not eligible for special education services.

36. A student who is eligible for special education is defined as a student who has a disability in one of thirteen eligibility categories and who, because of the disability and an adverse educational impact, has unique needs that cannot be addressed exclusively through education in general education classes with or without individual accommodations, and needs special education and related services. WAC 392-172A-01035(1)(a); 34 CFR § 300.8(a). This is in essence a three-part test for special education eligibility.

37. Here, the evaluation team determined that the Student did not pass the three-part test for special education eligibility. Although the Student possesses three eligible categories of disability, as she has a diagnosis of autism, ADHD, and anxiety, and can demonstrate some adverse impact to her education, the team determined that she does not require SDI. This is because the Student does not require anything more than accommodations to access her education in a general education setting. The District also evaluated the Student for SLD and did not find that she qualified for special education services, concluding that she did not require SDI to access and make progress in the general education curriculum. The District has shown, by a preponderance of the evidence, that the Student does not fulfill all three prongs of the

special education eligibility requirements. Thus, the Student is not eligible for services under the IDEA.

Parents' Argument Regarding PWN Violations

38. The Parents raise two arguments related to PWNs issued by the District. First, the Parents argue that the District denied them the right to meaningful parental participation in their Student's education by failing to provide a timely PWN following the September 2025 evaluation.

39. WAC 392-172A-05010, which controls PWN, reads:

(1) Written notice that meets the requirements of subsection (2) of this section must be provided to the parents of a student eligible for special education services, or referred for special education services a reasonable time before the school district:

(a) Proposes to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE to the student; or

(b) Refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE to the student.

(2) The notice required under this section must include:

(a) A description of the action proposed or refused by the agency;

(b) An explanation of why the agency proposes or refuses to take the action;

(c) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;

(d) A statement that the parents of a student eligible or referred for special education services have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;

(e) Sources for parents to contact to obtain assistance in understanding the procedural safeguards and the contents of the notice;

(f) A description of other options that the IEP team considered and the reasons why those options were rejected; and

(g) A description of other factors that are relevant to the agency's proposal or refusal.

40. Here, the Parents were provided with a PWN on September 16, 2025, that satisfied the requirements of WAC 392-172A-05010. The PWN stated the evaluation team was refusing to initiate services and explained why. The PWN gave brief descriptions of each evaluation procedure, assessment, record, and report used as a basis for the refusal, described other options the team considered and why they were rejected, and included extensive notes on other factors relevant to the refusal. The PWN also included a statement explaining the Parents' rights and that notice of special education procedural safeguards had been provided to the Parents.

41. The Parents argue that the PWN did not include their procedural safeguards. The evidence does not support this assertion. However, even if the September 16, 2025, PWN did not include a copy of this document, the Parents were already aware of their procedural safeguards as evidenced by their special education community complaint decided on May 8, 2025. Thus, even if the procedural safeguards were not provided in the PWN, this procedural error did not significantly impede the Parents' participation in the decision-making process. Moreover, even if procedural safeguards were not included in the PWN, this procedural error did not result in a denial of FAPE or cause a deprivation of educational benefit and does not warrant a remedy. WAC 392-172A-05105(2).

42. The Parents also claim that the District failed to issue PWN after the SECC complaint. The District did not send the Parents a PWN following the resolution of SECC 25-29. At this time, the District was still awaiting the Parents' consent to evaluate, and no changes were made to the evaluation plan.

43. A PWN need only be issued when a district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of FAPE to the student. WAC 392-172A-05010(1). Here, there was no change in what the District was offering regarding the provision of FAPE to the Student, meaning no new PWN was required. However, even if the District had been required to send a new PWN following the SECC finding and failed to, it still would not have reached the level of a procedural error denying the Student FAPE under WAC 392-172A-05105(2). This is because the Parents were already aware of the SECC decision. Thus, a new PWN following the SECC decision would have contained the same information already provided to the Parents and would have had no impact on the Parents' ability to participate or in the provision of FAPE to the Student.

The District Did Not Predetermine The Student's Special Education Eligibility At Any Time

44. The Parents next contend that the District predetermined that the Student was not eligible for special education services prior to the evaluation meeting.

45. Parents have a right to be involved in the development of their child's educational plan. *Amanda J. v. Clark County Sch. Dist.*, 267 F.3d at 882. Although parental participation is paramount under the IDEA, "a district does not necessarily violate the IDEA if it refuses to implement a parent's requests, and a parent does not have 'veto' power over IEP provisions." *L.C. v. Issaquah Sch. Dist.*, 2019 U.S. Dist. LEXIS 77834 *58, 2019 WL 2023567 (W.D. Wash 2019), *aff'd sub nom. Crofts v. Issaquah Sch. Dist. No. 411*, 2022 U.S. App. LEXIS 907 (9th Cir. 2022). "The IDEA does not require a school district to comply with every request a parent makes; rather, the district must 'seriously consider' the parents' input and concerns. *K.S. v. Fremont Unified Sch. Dist.*, 545 F. Supp. 2d 995, 1008 (N.D. Cal. 2008)." *L.C.* at *63. "[P]redetermination occurs when an educational agency has made its determination prior to the IEP meeting, including when it presents one placement option at the meeting and is unwilling to consider other alternatives." *H.B. v. Las Virgenes Unified Sch. Dist.*, 239 F. App'x 342, 344 (9th Cir. 2007).

46. Here, the District has shown that it considered the Parents' input at all stages of the evaluation process and that the Parents shaped many of the evaluation team's decisions. Initially, the District proposed to evaluate the Student in the area of communication. However, the evaluation team expanded its evaluation to include, effectively, every potential area of disability in response to the Parents' concerns. Each area of assessment included input from the Parents. As discussed above, the assessments of the Student met all legal requirements for depth and breadth. There is no evidence that the evaluation team predetermined how it would act in response to the evaluations. Rather, the Parents actively participated in the evaluation team meeting and decision-making process, which included lengthy discussion and post-meeting emailing. Finally, the District did not include eligibility decisions in the draft evaluation provided to the Parents on September 12, 2025, specifically because the evaluation team was waiting to make eligibility decisions during the evaluation team meeting, as Ms. Robins-Deville explained in her email to the Parents that day.

47. The District has shown by a preponderance of the evidence that it did not predetermine any aspect of the Student's eligibility determination.

48. The Parents argue that the District's policy predetermines eligibility, based upon Ms. Robins-Deville's testimony that the District would not typically evaluate a student for special education in an area where the student is making adequate progress toward grade level standards in their curriculum. The Parents argue that this policy is in violation of the requirement that a district must evaluate a student for all suspected areas of disability, regardless of staff preconceptions as to assessment outcomes. *Timothy O. v. Paso Robles Unified Sch. Dist.*, 822 F.3d 1105 (9th Cir. 2016). First, it is important to note that the District's policy is not at issue in this case. More

importantly, the Student was evaluated in all areas of suspected disability. Further, the evaluation team did not rely solely on the Student's progress toward grade level standards in making the eligibility determination.

49. The Parents further argue that the District predetermined that the Student would not qualify for any form of SDI where the student showed any form of growth. They argue that denying eligibility on this ground is inconsistent with the Supreme Court's decision in *Endrew F.*, which requires a school to "offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. . . [H]is educational program must be appropriately ambitious in light of his circumstances . . ." *Endrew F. v. Douglas County Sch. Dist.* RE-1, 580 U.S. at 388. This language applies when a school district is developing an IEP for a student who qualifies for special education services. Here, no IEP was being crafted; rather, the evaluation team was determining whether the Student met the three-prong test for eligibility. The third prong requires the team to consider whether a student demonstrates a need for SDI. WAC 392-172A-03040(2)(b). During the evaluation meeting, the evaluation team appropriately considered whether the Student had made adequate growth as one factor in the eligibility determination. The Parents also appear to argue that because they disagree with interpretations of the data, particularly testing and progress, the evaluation team predetermined the Student's eligibility. The evidence does not support this assertion. Ultimately, the Parents' contention appears to be that because the evaluation team did not find the Student eligible for special education services, the District must have predetermined the results of this matter. This is not predetermination; it is a legitimate finding the Parents are unhappy with.

50. The District has shown that it did not predetermine the Student's eligibility for special education services.

The District Directed The Parents To Sign Incomplete Documents After The Evaluation Meeting, In No Way Violating The IDEA

51. The Parents next contend that the District violated the IDEA by directing them to sign incomplete documents following the September evaluation meeting.

52. Following the September 16, 2025, evaluation meeting, the Parents were provided with a draft of the evaluation report and PWN via email, on September 19, 2025. In a series of emails beginning September 19, 2025, the Parents voiced disagreement with the draft evaluation report, as well as the conclusions of the evaluation team. The Parents were told that they could write a dissent and sign a form noting their dissenting opinion, or could sign agreement with the evaluation report, but that the documents would not be finalized and could still be edited until they did. The evaluation team made modifications to the evaluation report in response to some of

the Parents' complaints, and rejected others. The Parents did not sign the evaluation report until the draft met everyone's expectations and the Parents had provided the District with their written dissent. The final draft of the evaluation report was provided to the Parents on September 22, 2025.

53. The Parents were given an opportunity to review the evaluation report and PWN, and allowed multiple opportunities to redraft it. Signature forms were provided to finalize the process. This is not evidence of a violation of the IDEA as the Parents contend, but rather, further evidence of parental participation.

54. However, even if the District violated the procedural requirements of the IDEA by asking the Parents to sign the draft of the evaluation report, the violation would not have risen to the level of denying the Student a FAPE under WAC 392-172A-05105(2). The Parents were informed that they could indicate their disagreement with the evaluation and did so. Additionally, the draft reports the Parents received and the final version did not include substantive changes, but rather, the final version included additional testing data. No change to the eligibility determination was made as a result of this, and no new areas of evaluation were added or old ones removed. Thus, even if a procedural violation occurred, it did not impede the Student's right to FAPE, significantly impede parental participation, or create any loss of educational benefit to the Student.

The District Did Not Include Test Scores The Parents Wished Included In The Draft Evaluation, And This Was Not A Denial Of FAPE

55. The Parents argue that the draft evaluation report they reviewed was incomplete, as it did not include certain composite test scores, statewide testing scores, and detailed monthly reports appended to progress reports that the Parents wished to have included in the evaluation. Parent's Brief at 13-14. The Parents argue that this denied them meaningful participation and deprived the evaluation team of information it required to make an informed decision.

56. As discussed above, an evaluation must be sufficiently comprehensive to allow the evaluation team to make a decision regarding the Student's needs for special education and related services. WAC 392-172A-05035(1)(b) states that the evaluation report must include a "discussion of the assessments and review of data that supports the conclusion regarding eligibility including additional information required under WAC 392-172A-03080 for students with specific learning disabilities." In this case, the evaluation report included extensive discussion of the various assessments. The team discussed those assessments at the evaluation meeting. The report included significant data but did not include all of the Student's test scores.

However, there is no requirement that an evaluation must consider all of a student's test scores or that all such scores must be included in the evaluation report. Likewise, the draft evaluation report discussed the Student's progress reports, and there was no requirement that the District also include detailed monthly reports appended to the progress reports. Here, as discussed above, the evaluation team had sufficient information to determine the Student's special education and related services.

57. The District provided the Parents with a draft evaluation report prior to the evaluation meeting and with a final evaluation report on September 29, 2025. Between the completion of the evaluation team meeting and the final issuance of the evaluation report, the Parents were encouraged to engage with the drafting process, and did so. While the District did not include all information requested by the Parents in the evaluation report, this did not undermine the Parents' opportunity for meaningful participation.

58. Moreover, though the District provided the Parents with a draft evaluation report, the District is under no obligation to provide parents with a draft evaluation report and need only furnish a final evaluation report. WAC 392-172A-03040(1)(b).

59. Even if the District's failure to include all requested data in the draft evaluation report violated the procedural requirements of the IDEA, any procedural error did not deny the Student FAPE or educational benefit and did not significantly impede parental participation. WAC 392-172A-05105(2). The Parents were aware of the information they felt was important and had ample opportunity to discuss it with the team.

The District Did Not Alter The Evaluation After It Was Completed By Appending Disclosure Forms

60. The Parents next claim that the District violated the IDEA by altering the evaluation without their consent.

61. Once the evaluation draft was finalized and all participants affixed their signature to the evaluation, the evaluation was "locked" so that it could not be edited further. Once the evaluation was locked, the District's software automatically generated disclosure forms the Parents could sign to give the District consent to verify the Student's Medicaid eligibility with the state in order to obtain reimbursement. The Parents contend that the generation of these forms was an alteration to the official evaluation documentation to which the Parents did not consent. The Parents argue that the generation of this paperwork violated the IDEA and rises to the level of a denial of FAPE because it creates profound damage to the working relationship and trust between the Parents and the District, because the Parents are unable to trust the District to work with them.

62. The District has shown that it did not violate the IDEA or deny the Student a FAPE by generating these forms or appending them to the evaluation. These disclosure forms did not relate to or alter the content of the evaluation.

63. Additionally, these documents have no relevance to the Student, as she is not receiving special education services from the District. Any sharing of information with Medicaid could not be enacted as the Parents did not sign off on doing so. This is in no way a violation of the IDEA or a denial of FAPE. Nor did adding a routine reimbursement form to the evaluation in any way impugn parental participation, as the Parents argue in their closing. The overwhelming evidence indicates that the Parents were included in every step of the evaluation process. Even had the inclusion of these documents been a procedural violation, any procedural error would not have risen to the level of denying FAPE under WAC 392-172A-05105(2).

The District Failed In Its Child Find Obligations But Did Not Deny The Student FAPE

64. Child find obligations are explained in WAC 392-172A-02040:

(1) School districts shall conduct child find activities calculated to reach all students with a suspected disability for the purpose of locating, evaluating and identifying students who are in need of special education and related services, regardless of the severity of their disability. The child find activities shall extend to students residing within the school district boundaries whether or not they are enrolled in the public school system; except that students attending nonprofit private elementary or secondary schools located within the school district boundaries shall be located, identified and evaluated consistent with WAC 392-172A-04005.

65. In the Ninth Circuit, there is conflicting law as to when a school district's child find duties are triggered. In 2014, the Ninth Circuit Court of Appeals explained:

We have not yet articulated a test for when the child find obligation is triggered. The parties and the district court rely upon a test articulated by a Hawaii district court. See *Dept. of Educ., Haw. v. Cari Rae S.*, 158 F. Supp. 2d 1190 (D. Haw. 2001) ("[T]he child-find duty is triggered when the [district] has reason to suspect a disability, and reason to suspect that special education services may be needed to address that disability.") (internal quotation marks omitted). The Sixth and Third Circuits have promulgated tests that differ significantly from the *Cari Rae* standard. See *D.K. v. Abington Sch. Dist.*, 696 F.3d 233, 249 (3d Cir. 2012) (noting that "child find does not demand that schools conduct a formal evaluation of every struggling student"); *Bd. of Educ. of Fayette*

County, Ky. v. L.M., 478 F.3d 307, 314 (6th Cir. 2007) (holding that the individual claiming a child find violation must demonstrate "that school officials overlooked clear signs of disability and were negligent in failing to order testing or that there was no rational justification for not deciding to evaluate").

G.M. v. Saddleback Valley Unified Sch. Dist., 583 F. App'x 702, 703-04 n.1 (9th Cir. 2014); see also *P.B. v. Thorp Sch. Dist.*, 2021 U.S. Dist. LEXIS 59845 (E.D. Wash. 2021) (noting some District Courts have relied on standard articulated in *Cari Rae*).

66. Subsequently, in 2016, the Ninth Circuit issued its decision in *Timothy O.*, which stated that a disability is "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. v. Paso Robles Unified Sch. Dist.*, 822 F.3d at 1119-20. The court held that "if a school district is on notice that a child may have a particular disorder, it *must* assess that child for that disorder, regardless of the subjective views of its staff members concerning the likely outcome of an assessment." *Id.* at 1121. Notice that a child may have a particular disability can come from expressed parental concerns about a child's symptoms, opinions expressed by informed professionals, or less formal indicators such as the child's behavior. *Id.* 1121.

67. However, *Timothy O.* did not address the issue of whether a district must also have a reason to suspect the child may need special education services to address that disability. Following the decision in *Timothy O.*, District courts have applied both standards without resolving the discrepancy. Compare *S.B. v. San Mateo Foster City Sch. Dist.*, 2017 U.S. Dist. LEXIS 217440 *40 (N.D. Cal. Apr. 11, 2017) (child find duty triggered when District has reason to suspect child has a disability and reason to suspect child may need special education to address that disability) with *A.P. v. Pasadena Unified Sch. Dist.*, 2021 U.S. Dist. LEXIS 42440 *17 (C.D. Cal. Jan. 26, 2021) (child find duty triggered when there is knowledge of, or reason to suspect a disability). Recently, several District court decisions have cited to both *Timothy O.* and *Cari Rae* in stating the standard:

The child find duty is triggered when a district has notice or reason to suspect that a child has a covered disability and may require special education. See *Timothy O. v. Paso Robles Unified Sch. Dist.*, 822 F.3d 1105, 1118 (9th Cir. 2016); see also *Dep't of Educ., State of Hawaii v. Cari Rae S.*, 158 F. Supp. 2d 1190, 1194 (D. Haw. 2001).

Student F.C. v. Irvine Unified Sch. Dist., 2025 U.S. Dist. LEXIS 14112 *13 (C.D. Cal. Jan. 27, 2025); see also *SPB v. Washoe Cnty. Sch. Dist.*, 2024 U.S. Dist. LEXIS 178289 *16 (D. Nev. Sept. 30, 2024).

68. In this case, the District had reason to suspect the Student had a covered disability in October 2023, when the Parents notified the District of the Student's ADHD diagnosis, raised concerns about stuttering, reading and possible dyslexia, and requested a special education referral. The District did not evaluate the Student at that time and there is no evidence that it considered whether to evaluate at that time. See WAC 392-172A-03005(2). In January 2024, the District took steps to screen the Student for dyslexia and reading. Although the screening results raised concerns about the Student's reading in comparison to her peers, the District did not evaluate the Student or take any other action at this point. Additional screening in May 2024 again showed concerning results consistent with the Parents' concerns and the previous screening results. Thus, by May 2024, at the latest, the District had reason to suspect that the Student might have a disability and that special education services might be required. This triggered its child find duty.

69. The District argues that staff acted reasonably in waiting to gather additional evidence before evaluating the Student, citing to *Mr. P v. W. Hartford Bd. of Educ.*, 885 F.3d 735, 749 (2d Cir.). That case is substantially different from this matter, as the student in *Mr. P.* was suspected of having an emotional disturbance, which "means a condition exhibiting [certain] characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance." 34 C.F.R. § 300.8(c)(4)(i). Given the long-term nature of this potential disability, the Second Circuit Court of Appeals determined that it was reasonable for the school district to monitor the student before initiating an evaluation. While monitoring, the district continued to provide support through the student's 504 plan. Ultimately, the school district waited only one month before it initiated a special education evaluation. *Mr. P.*, 885 F.3d at 751.

70. Here, in contrast, the Parents suspected dyslexia, which is not conditioned upon any particular duration. Additionally, the District did not take a short period of time to monitor the Student or gather additional information. Rather, it took no action to address the Parents' concerns until May 2024, at which point it adopted a 504 plan but did not initiate a special education evaluation.

71. The District also points to *E.J. v. San Carlos Elem. Sch. Dist.*, 803 F. Supp. 2d 1024, 1031 (N.D. Cal. 2011). In that case, however, teachers did not believe the student required special education services and the parents did not request a special education reevaluation. *Id.* Here, the Student's primary instructor, Ms. Parent, was the

referring party, and no teachers provided testimony that they saw no reason to refer the Student for special education services.

72. It is clear from the evidence that the District dragged their feet in this matter. The District took no action to address the Parents' concerns when they requested an evaluation in October 2023, or after screening results demonstrated consistent concerns in January 2024. Although the District enacted a 504 plan in May 2024, the District still did not evaluate despite notice of both suspected disability and a potential need for special education services.

73. For the above reasons, the District failed to meet its child find obligation, which violates the procedural requirements of the IDEA. In this case, however, the District's procedural error is harmless because the Student is ineligible for IDEA benefits. As the 9th Circuit eloquently wrote: "a procedural violation cannot qualify an otherwise ineligible student for IDEA relief." *R.B., ex rel. F.B. v. Napa Valley Unified Sch. Dist.*, 496 F.3d 932, 942 (9th Cir. 2007).

74. Because the District's child find violation does not amount to more than a procedural violation under WAC 392-172A-05105(2), there is no denial of FAPE and the Parents are not entitled to a remedy.

ORDER

The District violated the procedural requirements of the IDEA when it failed in its child find obligation but did not deny the Student a free and appropriate public education as set forth in Conclusions of Law 73 and 74.

The Renton School District's September 16, 2025, evaluation is appropriate. The Parents are not entitled to an independent educational evaluation at public expense.

SERVED on the date of mailing.



Niles McDonald
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, Legal Services, PO Box 47200, Olympia, WA 98504-7200. To request the administrative record, contact OSPI at appeals@k12.wa.us.

DECLARATION OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that true copies of this document were served upon the following as indicated:

Parents

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Dated April 9, 2026, at Spokane Valley, Washington.

Lan Le

Representative
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cc: Administrative Resource Services, OSPI