

**WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS**

In the matter of:

Lake Washington School District

Docket No. 12-2025-OSPI-02799

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

Agency: Office of Superintendent of
Public Instruction

Program: Special Education

Cause No. 2025-SE-0201

Administrative Law Judge (ALJ) David LeMaster held a due process hearing on March 6, 2026, via videoconference. The Parent of the Student whose education is at issue¹ appeared and represented herself. The Lake Washington School District (District) was represented by Carlos Chavez, attorney at law. Also present was Craig Mott, District Director of Special Services for Central and Eastern Region.

STATEMENT OF THE CASE

Procedural History

The District filed a due process hearing request (Complaint) on December 24, 2025, and the Parents filed a response on December 31, 2025. The matter was assigned to ALJ David LeMaster. Judge LeMaster held a prehearing conference on January 8, 2026, and set the due process hearing for March 6, 2026.

Due Date for Written Decision

The written decision in this case is due on April 27, 2026.

EVIDENCE RELIED UPON

Exhibits Admitted:

District's Exhibits: D1 – D2

Parents' Exhibits: P1 – P11

¹ To ensure confidentiality, names of parents and students are not used. Ms. Parent attended and participated in the hearing. Mr. Parent did not appear.

Witnesses Heard:

Student's Mother (Ms. Parent)

Riley Cascia – District School Psychologist

ISSUE

The sole issue for the due process hearing is whether the District's December 15, 2025 reevaluation was appropriate and, if not, whether the Parents are entitled to an independent educational evaluation (IEE) at public expense.

FINDINGS OF FACT

Background

1. The Student is currently 10 years old. He is a fourth-grader at Horace Mann Elementary in the District. D1, p5.²
2. The Student first qualified for special education services in 2018 when he was in preschool and he has been served by an Individualized Education Program (IEP) since that time. He was initially found eligible under the disability category of Developmental Delay to address deficits in social/emotional skills. Following his autism diagnosis in 2020, the District changed his special education eligibility category to autism. D1, p5.
3. The District reevaluated the Student in January/February of 2023 and determined that he continued to qualify for special education services in the areas of social/emotional and behavior under the disability category of autism. D1, p5; P5. The District evaluated the Student in the areas of adaptive functioning and pragmatic communication in the 2023 reevaluation but found him ineligible to receive specially designed instruction (SDI) in those areas. TR47-48³ It was noted by the speech language pathologist involved in the 2023 reevaluation that the Student was not demonstrating any significant deficits in his communication skills at school, and that he was able to communicate clearly and actively participate in the classroom. D1, p9; TR72-73.

² Exhibits are cited by party ("P" for Parents, "D" for District), exhibit number, and page number, e.g. D1, p5 is a citation to District exhibit 1 at page 5.

³ Citations to the transcript are to "TR" followed by the page number.

4. Between the 2023 reevaluation and the 2025 reevaluation at issue in this case, the Student only received SDI in social/emotional and behavior skills. He did not receive any related services. TR109-110.

2025 – 2026 School Year (Fourth Grade)

5. The Student's fourth-grade general education teacher is Jennifer Phipps. His special education teacher and case manager is Michelle Geraghty. D1, p1; TR64.

6. The Student participates in a small social group of same-age peers in Ms. Geraghty's classroom where he receives SDI in social/emotional skills. The school's speech language pathologist, Brandy Davis, regularly participates in the Student's social group because she supports other students in that group. Although she does not provide services directly to the Student, she is familiar with him due to her frequent participation in the group. TR63 & 108-109.

7. The Student's triennial reevaluation, as required under WAC 392-172A-0315, was due in early 2026. TR60-61. As that date approached, School Psychologist Riley Cascia⁴ began the reevaluation process by emailing Ms. Parent on November 3, 2025. Ms. Cascia informed Ms. Parent that the District was reevaluating the Student to determine if he continued to qualify for SDI in social/emotional skills and behavior, which were the two areas for which he was currently receiving SDI. At that time, no additional areas of concern had been reported by the Student's teachers. P7, p5. Ms. Cascia asked Ms. Parent to let her know if Ms. Parent had any additional areas of concern. P7, p6; TR54.

8. On November 5, 2025, Ms. Parent asked Ms. Cascia to assess the Student's executive functioning, pragmatic language, and adaptive skills as part of the reevaluation. P7, p5-6.

9. Ms. Cascia responded to Ms. Parent's November 5, 2025 email that same day. With respect to Ms. Parent's request that the evaluation team assess the Student's executive functioning, Ms. Cascia clarified that the team was proposing to assess the Student in behavior, which would include an assessment of the Student's executive function-related behaviors. Regarding the Student's pragmatic language and adaptive skills, Ms. Cascia asked Ms. Parent if she had any concerns in those areas and, if so, invited her to provide more information. Ms. Cascia noted that the Student's teachers

⁴ Ms. Cascia has a master's degree and a specialist degree in school psychology. TR60. She is a certified school psychologist and has been employed by the District as a school psychologist since the fall of 2024. TR59. She served as the case manager for the Student's reevaluation. D1, p3.

had informed her that the Student was doing “great” and that they did not have any additional concerns. P7, p5.

10. Ms. Parent shared her observations and concerns about the Student’s pragmatic language and adaptive skills with Ms. Cascia in a November 5, 2025 email. She explained that, although the Student was doing great overall, she had noticed that the Student tended to form strong relationships with a limited number of peers and that he sometimes had difficulty branching out and navigating broader social interactions. It was due to these concerns that she wanted the District to take a closer look at the Student’s social communication and adaptive skills in the evaluation. She believed it would be helpful to understand how the Student interpreted social and conversational interactions with peers and how he managed transitions and unexpected changes. P7, p4. Ms. Parent also reported that the Student experienced challenges at home with organization and planning, task initiation and follow-through, working memory, and impulsivity. Based on what they were seeing at home, Ms. Parent wanted the team to consider looking more closely at the Student’s executive functioning skills. P7, p 4.

11. In response to Ms. Parent’s concerns, Ms. Cascia sought input from both the Student’s general education teacher and his special education teacher. Both teachers reported that they did not have any concerns with the Student’s adaptive skills or his pragmatic communication skills. They believed that he had the practical, everyday skills needed to function independently. P7, p3; TR107-108.

12. Ms. Cascia met in-person with Ms. Davis⁵ to consult with her regarding the Student’s pragmatic communication skills. Ms. Cascia sought input from Ms. Davis because Ms. Davis was familiar with the Student due to her participation in the Student’s social skills group. Based on her observations, Ms. Davis reported that she did not have any concerns regarding the Student’s pragmatic language skills. P7, p2-3; TR123-124.

13. On November 6, 2025, Ms. Cascia emailed Ms. Parent to share the input she received from the Student’s teachers and the speech language pathologist and the school team’s recommendations regarding the areas to be evaluated. She reported that the team recommended evaluating the Student in social/emotional and behavior, as originally planned. She explained that the Student’s executive functioning would be assessed as part of the behavior evaluation and that this would include an assessment of the Student’s organizational and planning skills. Ms. Cascia acknowledged Ms.

⁵ Ms. Cascia often consults with Ms. Davis to get her feedback on students who have communication challenges or concerns. TR64.

Parent's concern regarding the Student's peer interactions and occasional difficulty branching out and navigating broader social interactions and confirmed that the team would be evaluating the Student's social/emotional skills. P7, pp2-3.

14. In her November 6, 2025 email to Ms. Parent, Ms. Cascia informed Ms. Parent that the team did not recommend assessing the Student's adaptive functioning or pragmatic language skills as part of the reevaluation because the input received from the Student's teachers, consultation with the speech pathologist, and the Student's performance and progress at school did not indicate that the Student was experiencing deficits in these areas. P7, p3.

15. Ms. Cascia provided Ms. Parent with a reevaluation notification and consent form, which set forth the following areas to be addressed: review of existing data; medical-physical; general education; social/emotional; behavior; and student observation. D1, pp3-4.

16. On November 6, 2025, Ms. Parent agreed to move forward as outlined in Ms. Cascia's November 6, 2025 email. P7, p2. She signed the reevaluation notification and consent form and provided a copy to Ms. Cascia on or about November 6, 2025. TR36.

17. On November 12, 2025, Ms. Cascia sent Ms. Parent a meeting notice scheduling an evaluation team meeting for December 15, 2025. D1, p1.

December 15, 2025 Reevaluation

Review of Existing Data

18. Ms. Cascia reviewed the Student's educational records beginning with the Student's initial special evaluation referral in 2018, up through information obtained from the Student's current teachers. D1, pp5-6. Her review included all the Student's special education history and all previous evaluations. She also reviewed the Student's 2023 reevaluation in its entirety. TR105; 118-119.

Medical-Physical

19. Ms. Cascia reviewed the Student's health and developmental history, which had been gathered in previous evaluation reports. That information reflected the Student's autism diagnosis and indicated that the Student had been prescribed Adderall.⁶ Ms.

⁶ Although the exhibits contain references to the Student's "medication," this is the only place in the record where the name of the medication is noted. Based on the Student's diagnosis of attention deficit hyperactivity disorder (ADHD) referenced in a medical note dated January 25, 2024 (P2), it is reasonable to conclude that the term "medication" means the Student's medication for ADHD.

Cascia also reviewed the Student's October 10, 2024, hearing and vision screenings, which he had passed. Nobody had identified any concerns with the Student's vision or hearing at the time of the reevaluation. TR73. Ms. Cascia sent a medical developmental history form to the Parents but they did not return it. D1, p9; TR113.

General Education

20. Ms. Cascia also completed the general education section of the reevaluation. She reviewed the Student's attendance history, grades, and District testing. She also considered input from the Student's third-grade and fourth-grade teachers.

21. The Student's attendance was not an area of concern and the Student's grades from his third-grade year were "At Standard" or "Exceeding Standards" in eight of the twelve areas measured, and midway between "Approaching Standard" and "At Standard" in the remaining four areas. D1, pp10-11.

22. The District tests its students three times a year in math and reading to assess if a student is on track in those areas. The Student's scores in both math and reading in the winter, spring, and fall of 2025 indicated that he was "OnTrack," which means he was performing at the same level as his same-age peers. P8, p12.

23. Ms. Cascia reviewed the end of the year report card from the Student's third-grade teacher, Mr. Abe, which detailed his notes of the Student's performance. TR74. Mr. Abe reported that the Student demonstrated solid skills in reading comprehension, reading fluency, and multiplication, and that he was able to read for extended periods of time. Mr. Abe also noted that the Student took on a quiet sense of leadership in the class and had a good understanding of right from wrong. He described the Student as a sweet-hearted young man who was a positive addition to the class. By the end of the year, the Student's ideas were beginning to develop independently, and he was beginning to show pride in his work. Although Mr. Abe noted that the Student's writing neatness was an area to monitor in fourth grade, he could complete neat work when he put his mind to it. D1, p10; TR74.

24. The Student's current general education teacher, Ms. Phipps, also provided input as part of the reevaluation. She described the Student as kind and respectful. She reported that the Student was doing great in her class and that he asked questions when he needed clarification or help. She noted that it was noticeable when the Student did not take his medication but, when he took it consistently, he was successful in the classroom. D1, p10.

Social/Emotional

25. Ms. Cascia evaluated the Student's social/emotional skills. As part of her evaluation, she reviewed the Student's prior social/emotional assessment, which had been completed as part of the Student's 2023 reevaluation. The school psychologist at that time used the teacher and parent rating forms from the Social Skills Improvement System, Social Emotional Learning Edition (SSIS SEL) to assess the Student's skills in this area. On the Social Emotional Learning Composite, Ms. Parent rated the Student well below average and the Student's teacher rated him below average. D1, p13.

26. Ms. Cascia used the Behavior Assessment System for Children, 3rd Edition (BASC-3) to assess the Student's current social/emotional functioning. The BASC-3 is a rating scale that asks a series of questions about a student's behavior. The results are compared to a large sample of same-age peers. Specific behavior scales are generated from the scores, which are combined into composites that represent broad areas of functioning. "Average" scores indicate that a Student is performing like typical peers. "At-Risk" scores identify an area of concern, and "Clinically Significant" scores indicate areas considered to be impacting the student that may require follow up. D1, p13.

27. Ms. Cascia chose the BASC-3 because she believed that instrument was better suited to assessing social skills and the other concerns raised by Ms. Parent than the SSIS SEL used in the previous reevaluation. TR121. She also wanted the Student to complete a self-rating form, which was available in the BASC-3. Based on input received from Ms. Parent, including Ms. Parent's concerns about behaviors at home, Ms. Cascia believed it was important to get the Student's perspective relating to his social/emotional skills both at school and at home. TR75-76. She felt that the Student's scores would provide additional context in the event of disparities between the ratings provided by Ms. Parent and the teacher. TR76 & 81. In addition, the BASC-3 includes executive functioning-related scores, which would provide Ms. Cascia with additional information in this area as well. TR101 & 121.

28. Ms. Parent completed the parent rating scale and Ms. Phipps completed the teacher rating scale. The Student completed the self-rating scale. D1, p13.

29. The ratings provided by Ms. Parent and the Student's teacher diverged in a number of areas. Ms. Phipps reported scores in the average range on *all* the composites and subscales. In contrast, Ms. Parent reported scores in the at-risk to clinically significant range on many of the composites and subscales. D1, pp13-15. The Student's self-reported scores aligned with the ratings provided by his teacher in that the Student's ratings were also *all* in the average range. D1, pp15-16.

30. On the Externalizing Problems Composite,⁷ Ms. Phipps reported that she did not observe the Student engage in disruptive, impulsive, or rule-breaking behaviors. Both Ms. Phipps and the Student indicated that the Student had more trouble controlling his impulses if he did not take his medication⁸ but this occurred infrequently. The Student shared that he was able to focus in class when he took his medication and reported that he was able to maintain attention and self-control at a similar level as his peers. Ms. Parent rated the Student in the clinically significant range on this composite. She indicated that, at home, the Student engaged in impulsive behaviors that could be disruptive to others and that he could also be argumentative. D1, p16.

31. In her responses to the questions on the Internalizing Problems Composite,⁹ Ms. Phipps reported that the Student did not display symptoms related to anxiety, depression or somatization. Ms. Parent's ratings on these subscales were in the average range as well, except for depression, which she rated in the at-risk range. The Student's responses indicated that he felt that he had good control over his actions, felt confident in his ability to make and maintain friendships, and did not engage in socially unexpected behaviors or feel any more isolated or lonely than his peers. The Student shared that he had one close friend and that he felt good about his friendships at school. D1, p16.

32. On the School Problems Composite, which focuses on attention and learning issues, Ms. Phipps reported that the Student was able to maintain necessary levels of attention and demonstrate his understanding and comprehension of academic instructions and materials. The Student indicated that he did not feel like he displayed hyperactive behavior or had trouble paying attention in class. He shared that he enjoyed school. Ms. Parent reported clinically significant attention problems. She shared that, after school, the Student could show signs of stress and discouragement, which made it hard to complete his homework. D1, p16.

33. On the Atypicality and Withdrawal subscales of the Behavioral Symptoms Composite,¹⁰ Ms. Phipps shared that the Student engaged in expected classroom and school behaviors and generally seemed connected to his surroundings. Ms. Parent reported that the Student would often socially isolate at home in response to

⁷ This composite consists of hyperactivity, aggression, and conduct problems subscales. D1, p14.

⁸ The Student is on a regular regimen of medication (Adderall) at school. D1, p16.

⁹ The subscales in this composite are anxiety, depression and somatization. D1, p14.

¹⁰ The Behavioral Symptoms Composite consists of the following subscales: Hyperactivity, Aggression, Depression, Attention Problems, Atypically, and Withdrawal. D1, p15.

unexpected behaviors and situations. Ms. Parent's ratings were in the clinically significant range on this composite. D1, p17.

34. Ms. Phipps' and Ms. Parent's responses on the Adaptive Skills Composite¹¹ also revealed differences between the school setting and home. Ms. Phipps reported that the Student displayed average adaptive skills compared to his classmates and displayed good study skills when working on academic tasks. Ms. Parent indicated that the Student had challenges taking on leadership roles, developing and maintaining friendships, and completing daily living tasks. However, she noted that the Student was able to adapt well to a variety of situations, express his emotions to help manage stress and build positive relationships, and advocate for himself. D1, p17.

35. There are other instruments that measure adaptive skills, such as the Adaptive Behavior Assessment System, Third Edition (ABAS-3). TR102-103 & 117. Ms. Cascia did not believe it was necessary to administer any such additional testing because the teacher's scores on the Adaptive Skills Composite were consistent with the input received prior to the reevaluation from both the Student's general education and special education teachers that adaptive skills were not an area of concern. TR102-103.

36. The Student completed the Personal Adjustment Index, which consists of subscales for Relations with Parents, Interpersonal Relations, Self-Esteem, and Self-Reliance. He reported having good interpersonal relationships and appeared to have good confidence, which allowed him to make decisions and solve problems. D1, p17.

37. Ms. Cascia summarized the assessment results as demonstrating that the Student has emotional regulation skills that are predominantly in the average range at school and in the clinically significant range at home. Whereas Ms. Parent was reporting challenges at home, the ratings from the Student's teacher did not reveal any significant external, internal, behavior or adaptive challenges at school. Ms. Cascia also noted that the Student's ratings did not reveal that he experienced challenges with emotional symptoms, adjustment issues, inattention or hyperactivity. D1, p17.

38. Ms. Cascia explained at the due process hearing that when there are differences between the parent and teacher scores, it is important to take the Student's perspective into consideration to act as what she described as a moderator. Ms. Cascia administered the self-rating form to the Student by reading the questions to him in person. She reported that he responded appropriately and provided good insight. She felt that the Student's responses were truthful. Ms. Cascia noted that the Student's self-rating form on the BASC-3 addressed many of the areas that Ms. Parent

¹¹ The subscales for this composite are Adaptability, Social Skills, Study Skills, Functional Communication, and Activities of Daily Living. D1, pp14-15.

indicated were concerns at home but that the Student reported that he felt that he was performing on par with his peers both at school and at home. TR81.

39. Ms. Cascia concluded that the results of the BASC-3 ratings did not support the need for continued SDI in social/emotional skills. She recommended that this area be supported through accommodations. D1, p17.

40. The BASC-3 rating scales collect validity indexes that assist examiners in identifying invalid rating responses. Ms. Cascia reviewed these validity measures and concluded that they were all deemed acceptable and that all three raters answered the questions honestly. Ms. Cascia determined that the results of the BASC-3 were a reliable estimation of the Student's current emotional regulation skills in the home and school setting. D1, p16.

41. Ms. Cascia has been trained to administer the BASC-3 and has used that instrument as part of special education evaluations in the past. TR77.

Behavior

42. Ms. Cascia also performed the Student's behavior evaluation. She reviewed the Student's prior behavior assessment, which had been completed as part of the 2023 reevaluation. For the 2023 reevaluation, the school psychologist administered the BASC-3 and the Behavior Rating Inventory of Executive Functioning, Second Edition (BRIEF-2)¹² to assess the Student's executive functioning skills. On the BASC-3, the Student's teacher rated him at-risk for hyperactivity, atypicality, social skills, aggression, and adaptability, and clinically significant for anxiety, somatization, and withdrawal. The Parent rated the Student as either at-risk or clinically significant in every subscale except anxiety. D1, p19. The teacher's ratings on the BRIEF-2 indicated that most of the Student's challenges were with emotional regulation. D1, p20.

43. Ms. Cascia used the BRIEF-2 to assess the Student's current executive functioning skills. D1, p31. She described the BRIEF-2 as the "go-to" testing resource when assessing executive functioning and organizational concerns. TR86. The BRIEF-2 consists of three indices – the Behavior Regulation Index (BRI), which measures a student's ability to regulate and monitor behavior effectively; the Emotional Regulation Index (ERI), which represents the student's ability to regulate emotional responses and adapt to changes; and the Cognitive Regulation Index (CRI), which measures problem

¹² The BRIEF-2 is a ratings scale used to measure executive functioning skills. Scores are used to interpret the level of executive functioning as reported by teachers and parents on the BRIEF-2 rating forms and provide information about an individual's scores relative to same-age peers. Scores from 60-64 are considered mildly elevated, scores from 65-69 are considered potentially clinically elevated, and scores at or above 70 are considered clinically elevated. D1, p21.

solving abilities. The Global Executive Composite (GEC) provides an overall summary score of the student's executive functioning skills. D1, pp20-21.

44. Ms. Parent completed the parent rating form and Ms. Phipps completed the teacher rating form. D1, p21.

45. As with the BASC-3, there were differences in the ratings between Ms. Parent and Ms. Phipps. The ratings by Ms. Phipps put the Student in the average range for *all* the scales in each index, which translated into a GEC in the average range as well. In contrast, Ms. Parent rated the Student in the clinically elevated range in every scale except "organization of materials," which she rated mildly elevated. D1, pp21-22. Ms. Phipps reported that in the school setting, the Student could control his impulses, think before acting, adequately plan and organize information, understand the impact of his social interactions, transition and adapt to novel situations, regulate his emotions, problem-solve, initiate tasks, monitor and check his work, hold an appropriate amount of information in working memory, and keep his materials and belongings organized and accessible. Ms. Parent reported challenges in all these areas at home. D1, pp22-23. These results indicated that the Student demonstrates age-appropriate executive functioning skills at school but experiences challenges in the home setting. D1, pp23.

46. Based on the results from the BRIEF-2, the evaluation team recommended that the Student's organizational and executive functioning skills be supported through accommodations, as executive functioning challenges were not observed to impact his access to education. D1, p23.

47. The BRIEF-2 rating scales collect validity indexes that assist examiners in identifying invalid rating responses. There was no indication that the rating responses were invalid. D1, p21.

48. Ms. Cascia has been trained on how to administer the BRIEF-2 and she has used this instrument in the past. TR86.

49. Both the BASC-3 and the BRIEF-2 were administered in English, which is the Student's native language. Ms. Cascia did not have any concerns that these assessments discriminated against students of the Student's racial and cultural background. D1, p5; TR122-123.

50. Ms. Cascia was confident that the BASC-3 and the BRIEF-2 would provide her with the information she would need to address the concerns raised by Ms. Parent. TR122.

Observation

51. Ms. Cascia observed the Student for 30 minutes during recess on November 25, 2025. She chose to observe the Student at recess based on Ms. Parent's concern relating to friendship skills and recess provided an unstructured environment to observe the Student's social skills and peer interactions. The Student transitioned to and from the lunchroom to the playground without any challenges. He also followed multistep directions, displayed expected lunchroom and hallway behaviors, and followed school playground rules. Ms. Cascia noted that the Student spent most of the recess with one of his friends. She did not observe any signs of misunderstanding or communication challenges with his friend or other peers. Ms. Cascia concluded that the Student's peer interactions were positive the entirety of the observation. Nothing she observed caused her to reconsider assessing the Student's pragmatic communication or adaptive skills. D1, pp23-24; TR89-09.

Reevaluation Report and Team Meeting

52. Ms. Cascia provided a draft of the reevaluation report to the Parents on December 12, 2025, in advance of the evaluation meeting. P6, p3; TR31.

53. On December 12, 2025, Ms. Parent emailed Ms. Cascia regarding the draft report. She requested that several factors be considered as part of the upcoming team meeting, including the Student's medication, and the disparity between the parent and teacher ratings on the BASC-3 and BRIEF-2. Ms. Parent also shared her desire to discuss how the Student's social/emotional and executive functioning needs would be supported going forward and whether SDI remained appropriate. She also reported that the Student enjoyed the social group he participated in at school and that he wanted to continue to have access to it. P6.

54. The evaluation team met on December 15, 2025, to discuss the reevaluation report. Ms. Parent, Ms. Geraghty, Ms. Phipps, Ms. Cascia, and Monica Garcia – the School Principal – participated in the meeting. D1, p27; TR38-39.

55. The team discussed whether SDI continued to be the right level of support for the Student based on his progress and the reevaluation results. They agreed that the Student had made great progress in his social/emotional and behavior development since his previous evaluation in 2023. The team also recognized that the Student had benefitted from participating in the social group with Ms. Geraghty, which provided him with skills and strategies to manage his emotions, self-advocate and build confidence. Based on the Student's progress and the assessment results, the team determined that the Student did not meet the eligibility criteria for continued special education

services because the reevaluation did not support that he required SDI to access his education. D1, p6; TR99-100.

56. The team discussed the differences between Ms. Parent's ratings and the teacher's ratings and it was explained generally that those differences reflected the differences between the school and home settings. TR51 & 78-79. In Ms. Cascia's experience, it is not uncommon for there to be differences between the ratings provided by a parent and a student's teacher. At the hearing, she explained that the reason for these differences is often due to the different environmental factors at school versus at home. At school, the teacher sees how the Student performs in the classroom compared to his peers, which allows the teacher to identify where there are challenges. At home, the Parent is seeing the Student in a more comfortable and familiar environment. TR79-80.

57. The team also discussed the Student's medication at the meeting. Those discussions indicated that, by the time the Student got home, his medication was wearing off. This was noted as an additional explanation for the different ratings provided by the teacher and Ms. Parent on both the BASC-3 and the BRIEF-2. TR86-87.

58. The team acknowledged that the Student's medication and the accommodations provided by his teachers had allowed him to access his education. The team therefore determined that the Student was eligible for a Section 504 Plan and recommended a number of accommodations, many of which were already in place through the Student's IEP. D1, pp6-7; TR111-112. The team also offered to allow the Student to continue participating in his social group for the remainder of the school year to allow for transition time and fading of support. D1, p26.

59. Ms. Parent expressed her disagreement with the evaluation findings and the recommendation for a 504 Plan at the evaluation meeting. D1, p26. The team members signed the report on December 15, 2025, with Ms. Parent noting her dissent. D1, p30. Ms. Parent also provided a written dissent via email that same day, stating her disagreement with the eligibility decision. P9.

60. The District finalized the evaluation report and provided a copy to the Parents on December 19, 2025. The final report incorporated Ms. Parent's written dissent. The evaluation summary portion of the report confirmed the decision that the Student was not eligible for continued special education services because he no longer required SDI to make educational progress. The report also confirmed the determination that the Student was eligible for a 504 Plan. D1, p6.

61. The District also sent the Parents a Prior Written Notice (PWN) proposing the initiation of a 504 Plan for the Student and confirming the offer to allow the Student to continue participating in his social skills group for the rest of the school year. D1, p26.

62. The evaluation was completed within 35 school days after Ms. Parent provided written consent. D2.

63. Ms. Parent requested an IEE on December 15, 2025. D1, p26; P9.

64. The District filed its due process complaint on December 24, 2025.

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 206-207.

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).

Independent Educational Evaluations (IEEs)

6. Parents have a right to obtain an IEE if they disagree with a school district’s evaluation of their child, under certain circumstances. WAC 392-172A-05005; 34 CFR 300.502(a)(1). An IEE is an evaluation conducted by a qualified examiner who is not employed by the school district, at district expense. WAC 392-172A-05005(1)(c)(i); 34 CFR 300.502(b). If a parent requests an IEE, a district must either ensure that an IEE is provided at no cost to the parent without unnecessary delay or initiate a due process hearing within 15 calendar days to show that the district’s evaluation is appropriate. WAC 392-172A-05005(2)(c).

7. If the district initiates a due process hearing and the final decision is that the district’s evaluation is appropriate, the parent still has the right to obtain an IEE but not at public expense. WAC 392-172A-05005(3).

8. An IEP team’s decision on whether a student is eligible for special education is not relevant to the question of whether the school district’s evaluation was appropriate. *A.S. v. Shoreline Sch. Dist.*, 2025 U.S. Dist. LEXIS 121802 *6 (W.D. Wash. 2025).

Evaluations

9. Evaluations and reevaluations must comply with the requirements in WAC 392-172A-03020 – 03080.

10. These procedures require a school district to provide prior written notice to parents that describes evaluation procedures the district proposes to conduct. WAC 392-172A-03020(1). In conducting the evaluation, a “group of qualified professionals selected by the school district” must use a “variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent . . .” WAC 392-172A-03020(2)(a). The group must not use any single measure or assessment as the sole criterion for determining eligibility or educational programming and 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). School districts must ensure assessments and evaluation materials are selected and administered so as not to be discriminatory on a racial or cultural basis and are provided and administered in the student’s native language. WAC 392-172A-03020(3)(a); see also 34 CFR §300.304.

11. Assessments must be administered by “trained and knowledgeable personnel” and “in accordance with any instructions provided by the producer of the assessments.” Students must be assessed “in all areas related to the suspected disability” and the evaluation must be “sufficiently comprehensive to identify all of the student’s special education and related service needs, whether or not commonly linked to the disability category in which the student has been classified.” WAC 392-172A-03020(3); see also 34 CFR §300.304(c).

12. Under WAC 392-172A-03025, as part of any evaluation or reevaluation, the team must review existing data on the student, including evaluations and information provided by the parents, current classroom-based, local, or state assessments, classroom-based observations, and observations by teachers and related services providers.

13. Additionally, the District must prepare and provide the parents with an evaluation report. WAC 392-172A-03040. The evaluation report must include, among other things, a statement of whether the student has a disability that meets applicable eligibility criteria, a discussion of the assessments and review of data that supports the eligibility decision, 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(1)(a), (b), (d) and (f).

14. A school district has 35 school days to complete a reevaluation after it receives written consent to evaluate from the parent, unless extended by agreement of the school district and the parent. WAC 392-172A-03015(3).

The District's Reevaluation of the Student was Appropriate

15. Prior to reevaluating the Student, the District notified the Parents of the areas that would be evaluated and obtained consent from the Parents to proceed with the evaluation, thus satisfying WAC 392-172A-0300(3)(a) & 392-172A-03020(1).

16. The District has also shown that its evaluation was conducted by qualified professionals. A preponderance of the evidence established that Ms. Cascia, who is a certified school psychologist, had the education, training, and experience necessary to conduct the evaluation.

17. The District's reevaluation also included a review of existing data, as required by WAC 392-172A-03025. Ms. Cascia's review included the Student's educational records, input from his teachers and Ms. Parent, and all previous evaluations.

18. The District has further established that the evaluation assessed the Student in all areas related to the suspected disability. Here, there is no dispute that the Student has autism and that he was receiving SDI in social/emotional and behavior skills. The issue is whether there was evidence that the Student was experiencing difficulties with adaptive skills and pragmatic communication, such that the District should have formally assessed these areas. In this case, there was no indication that the Student was demonstrating deficits in those areas when the District initiated the 2025 triennial reevaluation. The Student's current teachers and the consulting speech language pathologist confirmed the absence of any concern in these areas when Ms. Cascia sought their input.

19. The Parents argue that the District should have included an assessment of adaptive skills and pragmatic communication, as Ms. Parent had requested. Parents' Post-Hearing Brief, p3. However, school districts are not required to reevaluate a student in every area requested by a parent. See *L.C. v. Issaquah Sch. Dist.*, 2019 U.S. Dist. LEXIS 77834 *56 (W.D. Wash 2019), *aff'd sub nom. Crofts v. Issaquah Sch. Dist. No. 411*, 22 F.4th 1048 (9th Cir. 2022). Rather, the district must review existing evaluation data on the student and, based on that review and input from the parents, identify what additional data, if any, are needed to ensure the child receives a FAPE. WAC 392-172A-03025(2). *Id.* (Internal quotation marks omitted.) That is what the District did in this case. Based on the input from the Student's current teachers and the school's speech language pathologist indicating that the Student was not displaying any deficits with adaptive skills or pragmatic communication, it was reasonable for the District to decline to expand the reevaluation to include those areas. Further, the Adaptive Composite of the BASC-3 *did* address the Student's adaptive skills. The teacher ratings on that composite did not raise any concerns about the Student's functioning at school, as they

were all in the average range. The District has shown, based on a preponderance of the evidence, that it assessed the Student in all areas of suspected disability.

20. The District also established that it used a variety of technically sound assessment tools and strategies to gather relevant information about the Student. In addition to ratings scales (BASC-3 and BRIEF-2), sources of information included input and information from Ms. Parent, the Student's teachers, and the school's speech language pathologist, and observation of the Student in an unstructured setting. In addition, the evaluation included a review of existing data, which included the Student's special education history, grades, attendance, district testing and prior evaluations.

21. The District has also shown that Ms. Cascia was qualified to administer the BASC-3 and the BRIEF-2 and that these assessments were valid, reliable, and used for their designed purposes. In addition, the assessments were administered in the Student's native language (English), and there were no concerns that they discriminated against students of the Student's racial and cultural background.

22. The District has also shown that its evaluation of the Student was sufficiently comprehensive, as required by WAC 392-172A-03020(3). As noted above, the evaluation included an extensive review of the Student's special education history and all his previous evaluations. In addition, it included input from the Student's teachers, the school's speech language pathologist and Ms. Parent. It also included a follow-up investigation into Ms. Parent's concerns by Ms. Cascia to ensure that the scope of the reevaluation took into consideration her input. The District also conducted an observation and used assessments that were designed to obtain information in the areas of suspected disability.

23. The Parents argue that because there were significant discrepancies between the parent scores and the teacher scores on the BASC-3 and the BRIEF-2, the District should have used additional assessments to clarify the data and understand why there was a disparity. They also argue that the District should have used "performance-based measures"¹³ and not relied only on rating scales to evaluate the Student's executive functioning. Parents' Post-Hearing Brief, p3. The Ninth Circuit Court of Appeals has recognized that school districts have discretion to select the assessments they use as part of an evaluation. See *E.M. v. Pajaro Valley Unified Sch. Dist.*, 652 F.3d 999, 1003 (9th Cir. 2011), citing *Ford v. Long Beach Unified Sch. Dist.*, 291 F.3d 1086, 1088-89 (9th Cir. 2002). Here, the record establishes that Ms. Cascia, a trained school psychologist, thoughtfully selected the assessment tools she used to obtain complete information about the Student's skills and functioning in the areas of suspected

¹³ The Parents do not specify what instruments or assessments would fall under this description.

disability. Although the Parents disagree with the evaluation results and have opinions about what tools should have been used to assess the Student, there is no evidence that either Parent has any education, training, or experience in how to conduct a special education evaluation. Ms. Cascia also explained at the evaluation meeting that there were often differences in ratings at home and at school due to the different settings. She noted at the hearing that this was, in fact, not uncommon.

24. In conclusion, the evidence in the record demonstrates that the reevaluation was sufficiently comprehensive to identify the Student's special education and related services needs.

25. The District also prepared an evaluation report that satisfied the requirements of WAC 392-172A-03035. The report documented the Student's diagnosis of autism and included a statement that the Student did not meet the eligibility criteria for continued special education services. It also contained a discussion of the assessments and review of data supporting the eligibility decision. Additionally, all members of the evaluation team signed the evaluation report, with the Parents indicating their disagreement and reasons for dissent.

26. Finally, the District completed the reevaluation within 35 school days from receipt of the Parents' written consent.

Conclusion

27. It is understandable that the Parents are disappointed with the decision to discontinue special education services for their Student and Ms. Parent was a strong advocate. However, based on the record, it is concluded that the District has established by a preponderance of the evidence that the December 15, 2025 reevaluation of the Student was appropriate. Consequently, the Parents are not entitled to an IEE at public expense.

ORDER

The Lake Washington School District's December 21, 2025 reevaluation was appropriate. The Parents are not entitled to an independent educational evaluation at public expense.

SERVED on the date of mailing.



David LeMaster
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

via First Class Mail

[REDACTED]
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Dated April 10, 2026, at Spokane Valley, Washington.

Lan Le

Representative
Office of Administrative Hearings
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cc: Administrative Resource Services, OSPI