

OAH Decisions

#	Case Number	Who vs. Who	Issue	Order	Prevailing Party
1	2018081089	Parent on Behalf of Student V. Long Beach Unified School District	<p>1. Did Long Beach deny Student a free appropriate public education, referred to as a FAPE, during the 2016-2017 school year, by failing to:</p> <p>a. Address Student's behaviors prior to May 30, 2017; and</p> <p>b. Appropriately address Student's behavioral needs?</p> <p>2. Did Long Beach deny Student a FAPE in the February 29, 2017 individualized education program, referred to as an IEP, by failing to offer Student appropriate:</p> <p>a. Behavior intervention services; and</p> <p>b. Goals in the areas of (i) attention, (ii) behavior, (iii) toileting, and (iv) social-emotional?</p> <p>3. Did Long Beach deny Student a FAPE in the February 21, 2018 IEP, by failing to offer Student appropriate:</p> <p>a. Behavior intervention services;</p> <p>b. Goals in the areas of (i) social-emotional and (ii) behavior?</p>	<p>1. Within 30 days of Parents informing Long Beach of the nonpublic agency they selected to provide compensatory behavior services, Long Beach shall contract with the non-public agency to provide 76 hours of compensatory behavior services, including direct and supervision services. Student shall have until December 31, 2021, to use these compensatory services.</p> <p>2. Within 30 days of Parents informing Long Beach of the nonpublic agency they selected to provide compensatory specialized academic instruction services, Long Beach shall contract with the nonpublic agency to provide 76 hours of compensatory specialized academic instruction services. Student shall have until December 31, 2021 to use these compensatory services.</p> <p>3. Student's remaining requests for relief are denied.</p>	Parent

			<p>4. Did Long Beach deny Student a FAPE in the June 12, 2018 IEP, by failing to offer Student:</p> <p>a. A one-to-one behavioral aide; and</p> <p>b. Appropriate behavior goals?</p> <p>5. Did Long Beach deny Student a FAPE in the February 12, 2019 IEP, including the March 5 and 14, 2019 IEP amendments, up to the May 23, 2019 IEP amendment, by failing to offer Student appropriate:</p> <p>a. Behavior services, including a one-to-one behavioral aide; and</p> <p>b. Behavior goals?</p>		
2	2019030004	Parent on Behalf of Student V. Garvey School District	<p>1. Did Garvey deny Student a free appropriate public education, referred to as FAPE, by failing to timely conduct its March 5, 2018 assistive technology, alternative augmentative communication assessment, referred to as assistive technology?</p> <p>2. Did Garvey deny Student a FAPE by failing to timely and appropriately conduct its February 28, 2018 functional behavior and March 5, 2018 occupational therapy assessments?</p> <p>3. Did Garvey deny Student a FAPE by failing to timely or appropriately assess the areas of speech and</p>	<p>1. Garvey shall fund at public expense independent educational evaluations of Student in the area of speech and language. a. Garvey shall initiate the independent evaluation process within 30 calendar days of the date of this decision.</p> <p>b. Garvey shall pay for up to three hours, at the assessor's customary rate for attendance at an IEP meeting to discuss the assessment results.</p> <p>2. Garvey shall, before the end of the first semester of the 2019-2020 school year, provide three hours of training to</p>	Parent

			<p>language functional behavior, occupational therapy, and assistive technology?</p> <p>4. Did Garvey deny Student a FAPE since February 29, 2017 by failing to offer appropriate goals, related services supports, and placement to address needs in the areas of communication, occupational therapy, behavior, social skills, adaptive and daily living skills, academics, and health?</p> <p>5. Did Garvey materially fail to implement assistive technology portions of Student's March 5, 2018 individualized education program, referred to as an IEP, resulting in a denial of FAPE?</p>	<p>its preschool and elementary school staff. a. Trainees shall include all teaching staff and paraprofessionals or aides, school administrators including principals and vice principals, school psychologists, behaviorists, and related service providers.</p> <p>b. The training shall focus on general principles of behavior intervention, including identifying behavior needs, developing behavior goals, when to refer students for functional behavior assessments, positive behavior reinforcement, development of behavior plans, and implementation of behavior plans.</p> <p>c. Qualified professionals who are either employed by or contracted with Garvey, or a private provider selected by the school district, or its legal counsel, shall provide the training.</p> <p>d. This Order does not preclude Garvey from offering this training to other staff or at other schools within the school district.</p> <p>3. All other requests for relief are denied.</p>	
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3	2019011024	Parent on Behalf of Student V. Torrance Unified School District	<p>1. Did Torrance deny Student a free appropriate public education, also called a FAPE, in the least restrictive environment in the individualized education programs, also called IEP's, dated January 26, 2017 and March 27, 2017, as amended, by failing to: a. Offer appropriate behavior services;</p> <p>b. Offer appropriate speech and language therapy;</p> <p>c. Offer appropriate specialized academic instruction;</p> <p>d. Prevent Student from being subjected to bullying; or</p> <p>e. Offer appropriate goals in behavior, academics, socialization, and communication?</p> <p>2. Did Torrance deny Student a FAPE in the least restrictive environment in the IEP dated January 22, 2018, as amended, by failing to: a. Offer appropriate behavior services;</p> <p>b. Offer appropriate speech and language therapy;</p> <p>c. Offer appropriate specialized academic instruction;</p> <p>d. Prevent Student from being subjected to bullying; or</p>	<p>Torrance shall fund an independent speech-language evaluation of Student by an assessor of Parents' choosing who meets Torrance's guidelines for independent assessors in terms of cost and qualifications.</p> <p>All other requests for relief are denied.</p>	Partial parent
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			<p>e. Offer appropriate goals in behavior, academics, socialization, and communication?</p> <p>3. Did Torrance deny Student a FAPE in the least restrictive environment in the IEP's dated December 12, 2018, January 17, 2019, March 14, 2019, March 18, 2019, and May 22, 2019, by failing to:</p> <p>a. Offer appropriate behavior services;</p> <p>b. Offer appropriate speech and language therapy;</p> <p>c. Offer appropriate specialized academic instruction;</p> <p>d. Prevent Student from being subjected to bullying; or</p> <p>e. Offer appropriate goals in behavior, academics, socialization, and communication?</p>		
4	2019040158	Parent on Behalf of Student V. Santa Monica-Malibu Unified School District	<p>1. Did Santa Monica-Malibu deny Student a FAPE by failing to conduct an appropriate psychoeducational assessment in October 2018, that assessed Student in all areas of suspected disability, and use a variety of assessment tools and</p>	All of Student's requests for relief are denied.	District

	2019010897	<p>Santa Monica-Malibu Unified School District</p> <p>v.</p> <p>Parent on Behalf of Student</p>	<p>strategies to gather relevant functional, developmental, and academic information?</p> <p>2. Did Santa Monica-Malibu procedurally deny Student a FAPE, from April 2018, through the end of extended school year 2019, including at the October 22, 2018, and February 11, 2019 IEP team meetings, by:</p> <p>a. failing to have an IEP in effect at the start of the 2018-2019 school year;</p> <p>b. infringing upon Parents' right to meaningfully participate in the IEP process;</p> <p>c. failing to consider Parents' concerns and the results of private assessments in determining eligibility and developing a program for Student;</p> <p>d. failing to ensure Parents were members of the team that made decisions regarding Student's program, and predetermining outside of the IEP team meeting that Student was not eligible for special education;</p> <p>e. causing a loss of educational benefit when it failed to make Student eligible for special education and related services; and</p> <p>f. failing to provide prior written notice, with all required information, of its refusal to offer Student eligibility</p>		
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			<p>for special education and related services?</p> <p>3. Did Santa Monica-Malibu substantively deny Student a FAPE, from April 2018, through the end of extended school year 2019, including at the October 22, 2018 , and February 11, 2019 IEP team meetings, by failing to offer Student:</p> <p>a. eligibility for special education and related services; and</p> <p>b. a program that met Student's needs and provided educational benefit?</p>		
5	2019041141	<p>Upland Unified School District</p> <p>V.</p> <p>Parent on behalf of student</p>	<p>Is Upland entitled to conduct the assessments proposed in the March 15, 2019 assessment plan without parental consent?</p>	<p>Upland may reassess Student pursuant to the March 15, 2019 assessment plan, without parental consent, in the areas of academic achievement, health, intellectual development, motor development, social emotional/behavior, and adaptive behavior, if Parent wants Upland to provide to Student any provision of special education and related services under the IDEA.</p>	District
6	2019050382	<p>Parent on Behalf of Student</p> <p>V.</p>	<p>Did Mt. Diablo deny Student a free appropriate public education from May 7, 2017, through the 2018-2019</p>	<p>All of Student's requests for relief are denied.</p>	District

		Mt. Diablo Unified School District	<p>school year by:</p> <ol style="list-style-type: none"> 1. failing to provide her safe and adequate transportation to and from school; specifically, by failing to transport her directly to and from home by the shortest route and without the presence of other students who might manifest aggressive or sexual behavior; 2. failing to provide her a one-to-one aide; and 3. failing to provide her a private school placement? 		
7	2019051020	<p>Los Angeles Unified School District</p> <p>V. Parent on Behalf of Student</p>	<p>Were Los Angeles Unified's language and speech assessment and the April 16, 2018 report of the evaluation appropriate, such that Student is not entitled to an independent language and speech evaluation at public expense?_</p>	<ol style="list-style-type: none"> 1. Los Angeles Unified's April 16, 2018 assessment in the area of language and speech met all legal requirements. 2. Student is not entitled to an independent language and speech evaluation at public expense. 	District
8	2019060369	<p>Parent on Behalf of Student</p> <p>V. Downey Unified School District</p>	<p>Did Downey's May 6, 2019 IEP offer Student a FAPE in the least restrictive environment?</p>	<p>Student's requests for relief are denied.</p>	District

9	2019061161	Los Alamitos Unified School District V. Parent on Behalf of Student	May Los_ Alamitos assess Student pursuant to the May 28, 2019 assessment plan without Parent's permission?	Los Alamitos may assess Student according to its May 28, 2019 proposed assessment plan without Mother's consent.	Parent
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