

*This is a redacted version of the original decision. Select details have been removed from the decision to preserve anonymity of the student. The redactions do not affect the substance of the document.*

Pennsylvania

## Special Education Hearing Officer

### DECISION

ODR No. 15576-1415AS

Child's Name: C.B.

Date of Birth: [redacted]

Dates of Hearing: 1/15/15

### CLOSED HEARING

#### Parties to the Hearing:

Parent  
Parent[s]

School District  
Lower Merion  
301 E. Montgomery Avenue  
Ardmore, PA 19003-3338

Date Record Closed:

Date of Decision:

Hearing Officer:

#### Representative:

Parent Attorney  
David G. C. Arnold, Esquire  
Suite 106, 920 Matsonford Road  
West Conshohocken, PA 19428

School District Attorney  
Amy Brooks, Esquire  
Wisler, Pearlstine  
Blue Bell Executive Campus  
460 Norristown Road – Suite 110  
Blue Bell, PA 19422-2323

January 30, 2015

February 15, 2015

Anne L. Carroll, Esq.

## **INTRODUCTION AND PROCEDURAL HISTORY**

Student, now in middle school, has attended District schools since kindergarten. Although consistently identified as IDEA eligible due to autism spectrum disorder (ASD), with secondary eligibility categories, at times, of speech/language impairment and OHI due to ADHD, Student has been placed almost entirely in the regular education classroom and was described during elementary school as displaying mild disability symptoms.

Parent became concerned about Student's impulsivity, disorganization and increased anxiety, as well as a decrease in peer social interactions and friendships from the beginning of middle school. In the spring of 7<sup>th</sup> grade, Parent requested a comprehensive reevaluation of Student, hoping that additional information would provide teachers with a better understanding of Student's school-related difficulties and needs.

Parent was dissatisfied with the evaluation results, which generally indicated that Student was functioning well both academically and socially in school, despite continuing IDEA eligibility due to ASD, and needs in the areas of impulsivity, anxiety, difficulty applying known social skills in context and understanding words with different meanings in context.

The District initiated a due process complaint after denying Parent's request for an independent educational evaluation (IEE), and a hearing was conducted in a single session in mid-January 2015. Because the District's evaluation met all IDEA procedural requirements, and there is no reason to conclude that the results of the assessments and rating scales included in the District's 2014 reevaluation are inaccurate, or that the evaluation did not sufficiently identify Student's disability-related needs, the District's reevaluation is appropriate. There is, therefore, no basis for ordering the District to provide Parent with an IEE at public expense.

## ISSUE

Was the School District's evaluation dated August 25, 2014 substantively and procedurally appropriate in that it conformed to IDEA requirements and identified all of Student's special education needs, or should the District be ordered to fund one or more independent evaluations?

## FINDINGS OF FACT

1. Student is a [mid-teenaged] child, born [redacted]. Student is a resident of the School District and is eligible for special education services. (Stipulation, N.T. p. 15)
2. Student has been identified as IDEA eligible in the autism disability category, in accordance with Federal and State Standards. 34 C.F.R. §300.8(a)(1), (c)(1); 22 Pa. Code §14.102 (2)(ii); (Stipulation, N.T. p. 15)
3. During the elementary school years, Student participated successfully in regular education classes for the majority of the school day with supports and services to address language, educational and social needs arising from symptoms associated with Student's diagnoses of PDD/NOS and ADHD. (S-2, S-3)<sup>1</sup>
4. A reevaluation report (RR) from the end of 1<sup>st</sup> grade described Student as exhibiting mild symptoms of both disorders and functioning, generally, in a developmentally and age appropriate manner. Student had some difficulty with social interactions, specifically, inconsistent eye contact, difficulty with initiating peer interactions and maintaining conversations. Self-stimulatory behaviors and anxiety, particularly related to transitions, were also noted. (S-2 p. 2)
5. The next RR, at the end of 5<sup>th</sup> grade, noted that Student participated in a "lunch bunch" social skills group several times each week in which Student was able to initiate, maintain and end conversations appropriately, as well as deal appropriately with conflict situations in terms of self-advocacy and problem-solving. Student was observed to work cooperatively with peers in both assigned and self-selected groups. (S-3 p. 3)
6. The WISC-IV assessments of cognitive ability placed Student in the high average range, with a full scale IQ of 114. Speech/language assessments placed Student solidly within the average range, overall, on all measures, with one subtest of the Test of Problem-Solving 3—Elementary, Determining Causes, in the below average range. (S-3 pp. 7, 8)

---

<sup>1</sup> Commendably, the parties agreed to use primarily joint exhibits, although the exhibits were pre-marked and admitted as School District exhibits. The joint exhibits, therefore are designated by the letter "S" followed by the exhibit number. Additional exhibits submitted by Parent separately are designated by the letter "P" followed by the exhibit number.

7. The 5<sup>th</sup> grade RR identified needs in the areas of written expression, for which Student needed specially designed instruction, and in understanding cause/effect relationships, for which Student continued to need speech/language therapy. (S-3 pp. 9—11 )
8. Parent was very pleased with Student’s progress, both academically and socially, through 5<sup>th</sup> grade, but became concerned about increasing difficulties with peer social relationships, particularly, during 6<sup>th</sup> grade, the first year of middle school. Parent’s concerns continued and increased in 7<sup>th</sup> grade, and broadened to include ancillary academic skills, such as organization. (N.T. pp. 189—192)
9. In the early spring of 7<sup>th</sup> grade, Parent e-mailed school administrators a written request for a comprehensive neuro-psychological and social communication evaluation. Parent identified numerous areas in which she believed Student was struggling and an evaluation was needed: grammar; organization of written and oral expression; language processing and comprehension (prediction, inferencing, cause-effect, higher level language concepts and sentence structure, sequencing and summarizing novel material); pragmatic language and social cognition skills; fine motor skills and dysgraphia that interfered with Student’s written expression; executive functioning and working memory; negative effect of language deficit on math performance. (S-4)
10. The District school psychologist assigned to conduct the reevaluation initially determined the scope of the reevaluation based upon the concerns Parent had expressed in her written request, and selected the kinds of assessments that would provide information relating to those concerns Accordingly, the school psychologist listed updated academic achievement assessments to explore Student’s reading, writing and math (WIAT III<sup>2</sup>); measures of neuropsychological and executive functioning (NEPSY-2<sup>3</sup>); rating scales to assess social, emotional and behavioral functioning and a specific assessment of anxiety. (N.T. pp. 31—35, 51; S-4, S-7)
11. After Parent consented to the reevaluation by returning a signed permission to reevaluate (PTRE) to the District, the school psychologist called Parent to further discuss the concerns expressed in Parent’s email request. As a result of that conversation, the school psychologist issued an amended PTRE to add a Speech-Language evaluation to specifically address Parent’s concerns about Student’s higher level and pragmatic language processing and skills. (N.T. pp. 28 –31, 33, 38; S-4, S-7, S-16, S-19 p. 2))
12. The school psychologist began the reevaluation process by reviewing Student’s educational records, including prior District reevaluation reports and Student’s most recent IEP. She also reviewed a private medical evaluation report and obtained written input from Parent and from Student’s 7<sup>th</sup> grade teachers. (N.T. pp. 35—38, 40—44; S-1, S-2, S-3, S-8, S-10, S-11, S-12, S-13, S-14, S-15)

---

<sup>2</sup> Wechsler Individual Achievement Test-Third Edition

<sup>3</sup> Developmental Neuropsychological Assessment, 2<sup>nd</sup> Edition

13. Teacher reports, summarized by the school psychologist in the RR, were generally positive with respect to both Student's academic progress and peer relationships. For major subjects in which letter grades were assigned (English, Latin, Math, social studies, science) Student's grades through the third quarter reported in the RR were primarily A with one B and two B+. In minor subjects for letter grades were not assigned, Student received all O—Outstanding. (N.T. pp. 44, 138; S-8 pp. 11, 12, S-19 pp. 8—12)
14. Student's regular education teachers, including the physical education teacher, noted good self-advocacy skills, good and/or improving social skills with peers, good organization of materials, consistent preparation for class and excellent work/homework completion. None of the teachers noted attention concerns or a need for curriculum modifications. (S-11, S-12, S-13, S-15, S-19 pp. 9—11)
15. The regular education co-teachers for a combination history/English/science class noted that Student sometimes struggled with finding answers in text and with analysis and application to answer higher level questions. Modifications provided to Student in that class were extra copies of books and study guides, additional time and quizzes taken in the instructional support lab (ISL) with the special education teacher. At Parent's request, Student was also excused from assignments that required watching a computer program and answering questions, which Student found particularly difficult. (S-15, S-19 pp. 10, 11)
16. Student's special education/ISL teacher noted some difficulties with rushing through work and organization, as well as reluctance to discuss problems that occurred during the school day, which the ISL teacher learned about from Parent. In addition to an alternative setting for quizzes, tests and state assessments, Student received support in ISL for editing work and written expression. (S-10, S-19 p. 9)
17. Standardized assessments of Student's academic achievement, measured by 12 WIAT-III subtests in the areas of reading, writing and math, placed Student in the average to above average range in all areas, suggesting performance at or above grade level. Student's scores on the sentence combining, sentence composition and math problem solving subtests were particularly strong, at the 99<sup>th</sup>, 94<sup>th</sup> and 93<sup>rd</sup> percentiles, respectively. Student's lowest standard scores, on reading comprehension and numerical operations were 102, at the 55<sup>th</sup> percentile. (S-19 p. 16)
18. To examine neurocognitive skills relating to learning and social functioning, subtests from the NEPSY-2 were administered to assess Student's ability in the areas of following increasingly complex verbal directions, memory and socially-oriented thinking. (S-19 p. 14, 15)
19. Student's scores indicated average ability to understand and follow oral directions; average ability to encode, discriminate and recognize faces; average ability to associate names with faces and retrieve the names associated with faces; strong ability to recall information after hearing a passage, both with respect to free and cued recall; average verbal memory span and verbal working memory. Student's scores on measures of

memory were somewhat higher on delayed recall subtests, suggesting that Student may benefit from time to consolidate information and from repetition. (S-19 p. 15)

20. With respect to socially-oriented thinking, Student's ability to discriminate facial expressions associated with emotions was in the expected age-level range and errors were not atypical as compared to same-age peers. On a two part Theory of Mind assessment, Student was able to demonstrate an understanding of the concept that the thinking of others may be different, and performed comparably to most children of the same age. Student's ability to demonstrate inferencing skills and to understand figurative language in directed tasks was far better developed than Student's ability to apply the skills in social contexts, leading to a below average score on the Theory of Mind/Contextual measure. (N.T. pp. 54, 55; S-19 p. 15)
21. The school psychologist administered the Behavior Assessment System for Children-Second Edition (BASC-2) rating scales to Parent to assess her perception of Student's daily functioning in the areas of emotion and behavior. Parent's assessment yielded clinically significant scores in the areas of anxiety, depression, internalizing problems, somatization, and withdrawal, as well as "at risk" scores in the areas of hyperactivity, atypicality, behavior symptoms, functional communication and developmental social disorders. (S-19 pp. 17, 18)
22. On the Social Responsiveness Scale-2 (SRS-2), a measure of functioning with respect to reciprocal social interactions, Parent's ratings indicated moderate to severe deficiencies that interfered with Student's daily social functioning. Student's math teacher, and the co-teachers for the combination class completed teacher rating scales which placed Student within normal limits in all areas. (S-19 pp. 18, 19)
23. On the Social Skills Improvement System (SSIS) Survey, administered to the same teachers, to Parent and to Student, teacher and Student self-ratings were consistent with each other and placed Student's social skills in the average range in all areas, with no acquisition or performance deficits or competing problem behaviors. Parent's ratings indicated below average functioning in the areas of assertion and engagement and above average difficulties in the areas of internalizing and autism spectrum. The school psychologist noted that Parent's ratings should be interpreted with caution based on some patterned responding. (N.T. pp. 133—135; S-19 pp. 19, 20)
24. In general, teacher rating results are given greater weight, since the purpose of a special education evaluation is to identify areas of concern and need manifested in the school setting. (N.T. p. 135)
25. To assess ADHD symptoms, Parent, the math teacher, the teachers for the multidisciplinary class, and Student's special education teacher completed the Connors-3 Short Form Rating Scale. As on the other scales, Parent's ratings highlighted several areas of difficulty, including elevated or very elevated scores in the areas of hyperactivity/impulsivity, learning problems, executive functioning and peer relationships. The teacher ratings yielded one elevated score, in peer relations, by the

two teacher team. Overall, the teacher ratings indicated that impulsivity and inattention are not problems seen in the classroom that interfere with Student's learning. (N.T. pp. 104—106, 110, 111; S-19 pp. 20, 21)

26. Student completed two additional self-rating scales, the Children's Depression Inventory and the Multidimensional Anxiety Scale for Children. Student's ratings indicated no depressive symptoms, but a high probability of anxiety. Student's scores were above average or slightly elevated in the areas of performance fears, humiliation/rejection, obsessions and compulsions, harm avoidance and overall general anxiety. (S-19 p. 18)
27. Neither the rating scales nor other information relating to Student's anxiety, such as teacher comments, suggested that Student's anxiety rises to the level of a disorder that impedes Student's ability to function successfully in the school setting. (N.T. pp. 149—151)
28. The school psychologist concluded that Student's anxiety arises from concerns over how Student is perceived by others. Student also has concerns regarding academic performance and how s/he is meeting expectations, since strong academic performance is a source of pride for Student. (N.T. pp. 115, 116)
29. As a result of the 2014 reevaluation, the school psychologist identified needs for Student in the areas of improving inferential thinking for social situations; improving the ability to discriminate and understand words with different meanings in context; reducing impulsive responding and improving self-perception and self-concept in relation to social functioning. (N.T. pp. 136, 137; S-19 p. 25)
30. Specific recommendations for Student's special educational program based upon the evaluation results were: 1) Regular consultation between an autism support teacher and general education teachers to assess the need to adjust or supplement content presentation; 2) Access for Student to a school counselor or other support person to learn strategies for managing anxiety that may impact Student's ability to function in a social context, to include development of personal goals for Student and use of the support person as a "sounding board" to discuss and practice social thinking; 3) opportunity for social coaching to receive feedback and guidance about social interaction in context to help Student focus on the important aspects of interaction to determine his/her response. (N.T. pp. 144—146, 151; S-19 p. 27)
31. A District speech/language pathologist conducted the speech/language component of the 2014 reevaluation, beginning with a review of information provided for the April 2014 IEP by the speech/language pathologist who worked with Student. The speech/language evaluator obtained additional input concerning Student's listening and speaking skills in the classroom setting from the Clinical Evaluation of Language Fundamentals: Fifth Edition Observational Rating Scale, completed by several of Student's teachers. (N.T. pp. 160—162; S-8 pp. 13, 14; S-19 pp. 11, 12, 21—25)

32. Issues identified by the teachers that sometimes occurred included difficulty with eye contact when talking or listening; asking people to repeat what they said; trouble answering questions as quickly as peers, asking questions, expressing thoughts, expanding on answers, remembering and providing details (S-19 pp. 11, 12)
33. The speech/language pathologist also administered the Clinical Evaluation of Language Fundamentals-Fifth Edition (CELF-5) to Student because it is a comprehensive assessment of expressive, receptive and pragmatic language that identifies strengths and weaknesses, and assesses whether a child needs speech/language support services. (N.T. pp. 162, 163; S-19 pp. 21—24)
34. All but one of Student's scaled scores on the 9 CELF-5 tests were in the average range (7—13), commonly falling between 10 and 12. Student's performance was above average (15) on the sentence assembly test. Student's lowest scaled scores were in the areas of recalling sentences (8) and pragmatic profile (9). (N.T. p. 164; S-19 pp. 21—24)
35. The index scores derived from the scaled scores placed Student in the average range for core language, expressive, receptive language and language memory. Language content was in the above average range. (S-19 pp. 23, 24)
36. During administration of the CELF-5, Student verbalized some difficulty remembering words long enough to say or write them. To determine whether Student had word finding difficulties, the speech/language pathologist administered the Expressive Vocabulary Test-Second Edition (EVT-2). Student's standard score of 92 was within the average range of 85—115. (N.T. pp. 163, 164; S-19 p. 24)
37. Observations by the speech/language pathologist during testing indicated articulation, voice and fluency were comparable to same age peers. In terms of pragmatic language, Student appropriately greeted the evaluator, followed directions, answered questions and made on-topic comments. (N.T. p. 165; S-19 p. 25)
38. Based upon the standardized assessments, the speech/language pathologist concluded that Student did not qualify for speech/language services. Although any continuing needs could be met through autistic support services and specially designed instruction, Student presented with no current speech/language needs. (N.T. pp. 164, 165, 167, 172, 173)
39. In the April 28, 2014 IEP, prior to the speech/language evaluation, the speech/language pathologist who provided Student with twice monthly speech/language services reported that in the speech/language structured setting, Student had mastered the goals of answering "wh" questions and 1—2 higher level thinking questions when given sentences with varying word order and complexity. Continuation of services was recommended for maintenance of those skills across the curriculum. (N.T. pp. 167—169; S-8 pp. 13, 14, S-19 p. 11)



40. The treating speech/language pathologist agreed with the evaluation results and expressed no disagreement with the post-evaluation recommendation to discontinue speech/language services. (N.T. p. 169—172)
41. After an IEP meeting in September 2014 at which Parent expressed her concerns with the reevaluation, as well as with the proposed IEP, Parent returned a NOREP rejecting the IEP and stating that she disagreed with the reevaluation “in almost every area.” Parent also requested an independent educational evaluation at public expense, including a comprehensive neuropsychological evaluation, a social communication evaluation and any additional evaluations suggested by the results of those assessments. (N.T. pp. 177—179; S-21 p. 3)
42. Parent does not believe that the RR accurately described Student, or the needs and deficits Parent sees, based upon how Student acted at home and what s/he reported to Parent about his/her school days. (N.T. pp. 177, 186, 187, 216, 217, )
43. Parent engaged a neuropsychologist to review the District RR, and had a lengthy discussion with her about Parent’s concerns with the report. (N.T. pp. 185, 186)
44. The 2 page report confirmed that Student has made significant progress through the years with the assistance of supports provided both at home and at school. The report notes that Student “is reported” to display many behaviors and cognitive difficulties associated with both autism spectrum disorder (ASD) and ADHD. The neuropsychologist also noted that the RR identified issues with impulsive behaviors, difficulty organizing materials, difficulty with inferential thinking. (P-15 )
45. The report notes the author’s belief that many of the identified issues were not thoroughly assessed in the RR, but does not identify any additional, different and direct assessments that would further explore areas related to ADHD, in particular, that the author considers insufficiently explored, such as impulse control/response inhibition and organization/planning. (P-15)
46. The author of the RR review also believes that the discrepancy in social/emotional functioning between home and school as indicated by the differences in the rating scales completed by Parent and teachers should be explored, but identifies no specific means of doing so, or a basis for the conclusion that without a more in-depth, but unspecified assessment of Student’s social/emotional functioning, Student is at a high risk of developing “more and more school avoidance behaviors and psychological distress around school and social situations.” The reviewer does not comment on the recommendations for services to address the anxiety that the District reevaluation identified or explain why further evaluation is necessary to develop and provide services to meet Student’s school-related needs. (P-15 p. 2)
47. Parent believes that there are evaluations available that the District does not have access to that will delve into the details of Student’s difficulties and provide the kinds of information necessary for Student’s teachers to fully understand and appreciate the

effects of ASD, in particular, on Student's thought processes, academic skills and psychological well-being. Parent also believes that it is important to identify why Student has behaviors such as impulsivity in order to better train teachers to deal with Student's academic and social issues. (N.T. pp. 218—226, 232, 233, 263, 264, 269, 271)

## **DISCUSSION AND CONCLUSIONS OF LAW**

### Parent's General Concerns

Through her testimony at the due process hearing, Parent detailed her perceptions of the nature and reasons for Student's difficulties during the middle school years. In particular, Parent believes that Student's teachers do not understand that Student is significantly affected by disability-related issues despite strong academic skills and performance. Parent is also very concerned that there is little or no understanding, concern and action taken by District staff with respect to Student's loss of longstanding peer friendships and inability to form new peer relationships. Parent is especially concerned that consistently placing Student with peers who also have disabilities for classroom group work has the effect of further isolating Student from typical peers.

Although such concerns about Student's school experiences are obviously sincerely held and very significant to Parent, it must be noted, first, that Parent's description of her perceptions and concerns about Student's treatment by teachers is the only information currently available about those matters, since the only matter at issue in this case was the appropriateness of the District's most recent evaluation. Parent's expressed concerns, therefore, were considered only to determine whether those concerns support the conclusion that the District's evaluation was inappropriate. For that limited purpose, the accuracy of Parent's perceptions and concerns were accepted, but only as the basis for Parent's IEE request. I express no opinion with respect to the procedural or substantive appropriateness of Student's current, or any past IEP, or with respect to the implementation of any IEP. Because those matters were not directly at issue in the due

process hearing, no additional evidence concerning Parent's perception of what is, or was, happening during the school day was needed. The only questions considered with respect to Parent's concerns in this hearing was whether and/or how the District's evaluation contributed to those concerns, as well as whether an IEE would address her concerns.

#### IDEA Evaluation/Reevaluation Requirements

The IDEA statute and regulations require an initial evaluation, provided in conformity with statutory/regulatory guidelines, as the necessary first step in determining whether a student is eligible for special education services and in developing an appropriate special education program and placement. *See* 20 U.S.C. §1414; 34 C.F.R. §300.8(a).

After a child is determined to be eligible, the IDEA statute and regulations provide for periodic re-evaluations, which “may occur not more than once a year unless the parent and public agency agree otherwise; and must occur at least once every 3 years, unless the parent and the public agency agree that an evaluation is unnecessary.” 20 U.S.C. §1414(a)(2)(B)(i), (ii); 34 C.F.R. §300.303(b). School districts, however, also have the obligation to “ensure that a reevaluation of each child with a disability is conducted” at any time “the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or if the child's parent or teacher requests a reevaluation.” 20 U.S.C. §1414(a)(2)(A)(i), (ii); 34 C.F.R. 300.303(a).

The standards for an appropriate evaluation or re-evaluation, found at 34 C.F.R. §§300.304—300.306, require a school district to: 1) “use a variety of assessment tools;” 2) “gather relevant functional, developmental and academic information about the child, including information from the parent;” 3) “Use technically sound instruments” to determine factors such

as cognitive, behavioral, physical and developmental factors which contribute to the disability determination; 4) refrain from using “any single measure or assessment as the sole criterion” for a determination of disability or an appropriate program. C.F.R. §300.304(b)(1—3). In addition, the measures used for the evaluation must be valid, reliable and administered by trained personnel in accordance with the instructions provided for the assessments; must assess the child in all areas related to the suspected disability; must be “sufficiently comprehensive to identify all of the child’s special education and related service needs,” and provide “relevant information that directly assists” in determining the child’s educational needs. 34 C.F.R. §300.304(c)(1)(ii—iv), (2), (4), (6), (7).

Once an evaluation or reevaluation is completed, a group of qualified school district professionals and the child’s parents determine whether he/she is a “child with a disability” and his/her educational needs. 34 C.F.R. §300.306(a). In making such determinations, the district is required to: 1) “Draw upon information from a variety of sources,” including those required to be part of the assessments, assure that all such information is “documented and carefully considered.” 34 C.F.R. §300.306 (c)(1).

#### Independent Educational Evaluations

The IDEA statute and regulations provide that Parents have the right to obtain an independent educational evaluation (IEE) and, if the private evaluation meets the standards of the local education agency (LEA), and parents share it with the LEA, to have the evaluation considered in making decisions concerning the provision of FAPE to a child. 34 C.F.R. §300.502(a), (b)(3), (c)(1).

Parents can obtain an IEE at public expense if they disagree with an evaluation obtained by the LEA and it either agrees to fund the independent evaluation or the LEA evaluation is

found inappropriate by the decision of a hearing officer after an administrative due process hearing. 34 C.F.R. §300.502(b)(1), (2)(ii). Once a parent has requested an IEE, the LEA “must, without unnecessary delay,” file a due process complaint to show that its evaluation is appropriate or assure that the IEE is provided. 34 C.F.R. §300.502(b)(2)(i), (ii).

An IEE is defined in the IDEA regulations as “an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question.” 34 C.F.R. §300.502(a)(3)(i),

#### Parent’s Disagreement with the District Evaluation

The primary concern that Parent articulated with respect to the District’s 2014 reevaluation was, in essence, that the sum of the parts of the evaluation did not paint a whole and true picture of Student and, therefore, is not sufficient to develop an appropriate IEP and identify appropriate services to meet Student’s needs. (FF 42) The difficulty with that position is that whether an evaluation is appropriate is primarily based on the sum of the parts, *i.e.*, whether the evaluation in question includes all of the components specified in the IDEA statute and regulations, as well as whether each aspect of the evaluation conforms to regulatory standards.

The District’s 2014 reevaluation in this case amply met those requirements. First, although no academic or social/behavioral concerns were noted by Student’s teachers, the District readily initiated an evaluation when requested by Parent, and the school psychologist identified a variety of assessments designed to provide information related to Parent’s expressed concerns. (FF 9, 10, 11) Student’s educational records were reviewed and input from Parent, Student’s regular education teachers and special education teacher was solicited, received and summarized in the RR. (FF 12, 13, 14, 15, 16) Despite generally positive impressions of Student’s functioning, which was confirmed by Student’s report card grades, teachers also

recognized and identified areas of difficulty that needed to be addressed via an IEP, including specially designed instruction and the ability to access supportive services such as the school counselor and autistic support special education services.

It was apparent from Parent's testimony that she was not truly disputing either the appropriateness of the assessments included in the evaluation or the accuracy of the assessment results. Rather, Parent was disappointed that the evaluation results did not convey the sense of crisis that Parent perceives with respect to Student's loss of ground, socially, and Student's continuing special education needs, that may appear to be more, rather than less significant as academic demands increase and the transition from childhood to adolescence proceeds.

Moreover, as noted above, Parent has deep concerns that Student's teachers do not truly understand and appreciate Student's significant educational needs, and that the evaluation results will not encourage teachers to focus on recognizing and meeting Student's needs. Parent, therefore, is seeking an IEE in the hope that a greater quantity of information will move District staff to develop the sense of urgency Parent feels about Student's current school functioning. Parent, however, has no specific assessments in mind, and, indeed, does not really know whether the assessments she hopes to obtain exist, much less whether additional assessments will produce the effect she desires in District staff.

Finally, the review of the District's RR by an independent neuropsychologist casts no doubt on the appropriateness of the District's reevaluation. The review does not challenge the appropriateness of the District's assessments and does not specify either the assessments that should be administered, or how/why additional assessments will provide information that will be more important to providing an appropriate program for Student than the information already included in the District's reevaluation.

Although it is certainly true that in order to provide an appropriate evaluation, an LEA must assure that an eligible or potentially eligible Student must be evaluated in all areas related to a suspected disability, and to identify all of Student's needs, whether or not commonly related to the disability, there is, unfortunately, no way to assure and no requirement, that all District staff working with an eligible child have a complete understanding of the nature of the disability, the needs arising from the disability and how best to address such needs. The question with respect to an evaluation is whether it meets IDEA standards. If it does, an evaluation is not inappropriate because more assessments could be administered, or because District staff may not fully appreciate all nuances and implication that could be derived from the evaluation results.

The District's 2014 reevaluation meets IDEA procedural and substantive standards, and, therefore, is appropriate. Since nothing more is required of the district with respect to an evaluation, the District is not required to fund an IEE as requested by Parent.

**ORDER**

In accordance with the foregoing findings of fact and conclusions of law, is hereby **ORDERED** that the School District is not required to provide Student with an independent educational evaluation at public expense, since the most recent District reevaluation dated August 25, 2014 is procedurally and substantively appropriate.

It is **FURTHER ORDERED** that any claims not specifically addressed by this decision and order are denied and dismissed.

*Anne L. Carroll*

---

Anne L. Carroll, Esq.  
HEARING OFFICER

February 15, 2015