

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENTS on behalf of STUDENT,

v.

SHORELINE UNIFIED SCHOOL  
DISTRICT.

OAH CASE NO. 2009030733

ORDER DENYING STUDENT'S  
MOTION FOR CLARIFICATION

On August 3, 2009, the Office of Administrative Hearings, Special Education Division issued a Decision following a due process hearing which required, in part, that “[t]he District shall cause to have Student evaluated by a speech and language pathologist and an audiology specialist.”

On August 25, 2009, Student filed a motion seeking clarification relating to the above quoted portion of the Decision. In his motion, Student “requests that the ALJ clarify the order as it concerns audiological assessment.” Dr. Carole Mayer, an audiologist retained by Parent, completed an assessment on July 14, 2009, by issuing a four page written report. Student seeks to be reimbursed for the Mayer assessment and to not require Student to be put “through the testing again since the results were clear and unambiguous and likely to appear in any audiological report performed.”

In its opposition, the District contends that the Mayer evaluation reached “many results based on test results with no standardization measures to provide direction as to the basis for many of the conclusions stated in the assessment.” The District is also concerned with many of Dr. Mayer’s recommendations including that Student be provided an assisted listening device and participate in a program held at California State University, Sacramento. The District has retained Stacy Cruz, a speech and language pathologist and audiologist from Marin General Hospital, to conduct its assessment pursuant to the Decision.

The Decision is clear that it permits the District to conduct an evaluation of its own. The District may accept, in lieu, of it conducting its own assessment the one obtained by Student’s parent but is not required to do so. The Mayer assessment is no different than any other independent educational evaluation (IEE) obtained at private expense. The results of such an IEE shall be considered by the District and the IEP team. (Ed. Code, § 56329, subd. (c).)

