

**AnyTown Unified School District  
Student Services Division  
Psychological/Educational Study**

Student: Johnny Normal	Student #206826	Date: 5/22/08
School: Pleasant Valley Elementary	Grade: 3	DOB: 12/19/97
Placement: General Education	CA: 10-4	

Parent: Mr. & Mrs. Normal, 1245, Pleasant CA 92880 (951) 555-5555

Case study prepared by: Douglas Dean, School Psychologist  
Information from: Mr. & Mrs. Normal, parents  
Mrs. Harrison, teacher  
Mrs. Jones, Principal

**Reason for Referral:**

A mediation agreement between the AUSD and Johnny's parents requested a reevaluation.

**Background:**

Johnny's background has been extensively documented in his last two evaluations (AUSD 2006 & Nitlap 2007). A chronological review of Johnny's special education events are presented here;

05/01/06	Parents request assessment
06/18/06	Assessment plan returned to school signed
10/16/06	AUSD report & IEP (parent asked to reschedule to have an independent assessment)
10/27/06	Request for OT assessment
01/09/07	New IEP date; eligible; parents declined to sign
02/09/07	Private evaluation report by Dr. Nitlap
06/11/07	IEP (parents did not attend)
12/12/07	Filed a due process complaint
12/17/07	Letter to parents from Sp. Ed. concerning due process complaint to district
12/20/07	Resolution meeting scheduled
02/22/08	Administrative hearing office orders (Prehearing= 03/21/08 Hearing = 04/1/08 to 04/02/08 & 04/14/08 to 04/18/08)
03/24/08	Final Settlement Agreement and Release

**REVIEW OF PREVIOUS ABILITY & ACADEMIC ASSESSMENTS:**

**Analysis of the AUSD 2006 Woodcock Johnson Test of Cognitive Abilities:**

***Woodcock Johnson Tests of Cognitive Abilities, Third Edition (WJ-III)***

<b>General Intellectual Ability (GIA)</b>	<b>090</b>	<b>26%</b>
Verbal Ability	075	05%
Thinking Ability	103	57%
Cognitive Efficiency	095	37%

There were some relevant issues not reported by Dr. Nitlap's 2007 evaluation analysis regarding the AUSD 2006 psychoeducational report. These relevant issues are significant due to the criteria the California Educational Code uses for identifying children as Specific Learning Disabled (SLD), which is more detailed compared to the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) used by Dr. Nitlap.

The AUSD completed a full psychoeducational evaluation in 2006 when Johnny was in second grade. This report indicated that:

Johnny's general intellectual ability, as measured by the WJ 111 GIA score, is in the average range of others his age. There is a 68% probability that his true GIA score would be included in the range of scores from 88 to 92.

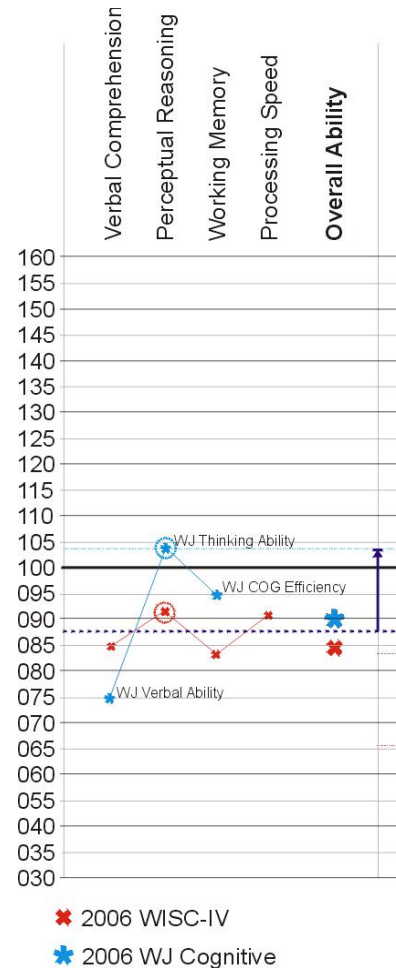
Of interest is the fact that at the time Johnny was administered the Woodcock Johnson III Cognitive Abilities test he was 8 years, 9 months old and attended 2<sup>nd</sup> grade with students whose age averaged approximately 7 years. Johnny's WJ III General Intellectual Ability (GIA) index, as mentioned in the passage above, is Johnny's general ability level compared to the peers of the same age, most of whom were in the 3<sup>rd</sup> or 4<sup>th</sup> grade at the time of the evaluation. This, in itself, will not alter the findings of Johnny's cognitive ability results as it does with his academic skill assessments (see below).

The WJ III GIA of 90 places Johnny at the bottom of the average range of cognitive ability. The WJ III GIA score is an assessment result used for predicting the level of academic skills. Rather than using Johnny's WJ III General Intellectual Ability (GIA) index of 90, the AUSD 2006 evaluation chose the highest scoring index (Thinking Ability = 103) as an estimate of Johnny's general cognitive ability. The AUSD 2006 evaluation reported:

There is a significant difference between the Thinking Ability score and the Verbal Ability score. When compared to others his age, Johnny's cognitive abilities are average in Thinking Ability (a measure of different thinking processes that may be involved when information in short term memory cannot be processed automatically) and Cognitive Efficiency (the capacity of the cognitive system to process information). *The Thinking Ability (SS: 103) is an accurate estimate of Johnny's intellectual ability.*

It is not explained how the Thinking Ability of 103, as a single index score of the WJ III, represents a general estimate of cognitive ability. This is significant because the California Education Code uses general intelligence scores as a prediction of academic skills. The Thinking Ability score of 103 was apparently used simply because it was significantly greater than the General Intellectual Ability of 90. Using the Thinking Ability is a less probable estimate of overall cognitive ability. Johnny's reported general cognitive ability went from a "68% probability that his true GIA score would be included in the range of scores from 88 to 92" to the Thinking Ability standard score of 103 as "an accurate estimate of Johnny's intellectual ability" without a justifying explanation.

The analysis of the AUSD 2006 report by David M. Nitlap, Ph.D. in 2007 did not comment on using the WJ III Thinking Ability index score of 103 as an accurate estimate of Johnny's intellectual ability in spite of the significance of its use for evaluating a Specific Learning Disability as the California Educational Code demands. Johnny was determined to be a Learning Disabled student based on the change from the lower General Intellectual Ability (GIA) score to the higher Thinking Ability score. Any analysis of the AUSD 2006 report omitting this unexplained increase of Johnny's



estimated intelligence by 13 points is significant. This issue will be discussed in a later section of this report.

Dr. Nitlap's 2007 report focused on Johnny's weaknesses in cognition, academics and "risk for delinquent or maladaptive behavior" clinically rather than pedagogically. As an example, Dr. Nitlap's analysis of the AUSD 2006 WJ III included the following:

Johnny's General Intellectual Ability score on this test was within Average range. A score of 75 on this test indicated Borderline ability functioning on verbal subscales. This represents a significantly low score on this particular ability index and suggests concerns in cognitive language processing.

Dr. Nitlap also analyzed the WISC-IV's "differences between scores on Verbal subtests versus Performance/Thinking subscales" as closely approaching "a significant difference, while the 18 point difference on the Woodcock Johnson test clearly surpasses the critical value for significance."

This concern of relative lower verbal ability to non-verbal ability is valid, but possible for different reasons than stated by Dr. Nitlap. First, the relative difference between the WJ III GIA of 90 and the Verbal Ability of 75 is a relatively difference of 15 points, not 18 as Dr. Nitlap reported. Secondly, the reported Borderline range of the WJ III Verbal Ability is "Borderline" relative to other children of Johnny's age, whose average GIA scores are between 90 and 110. Relative to Johnny's own GIA of 90, which is 1 point away from the low average range of 80 to 89, a 15 point difference has less significance than when reported in categories of comparison to Johnny's age group.

In contrast to Dr. Nitlap reporting the WJ III results in age categorization terms, Johnny's WISC-IV Verbal ability was reported in terms relative to Johnny's other WISC-IV scores and without mention of this score's (Low) Average category. The clinical, rather than educational, concerns of Dr. Nitlap report is indicated in his summary that "These scores should signal a level of concern regarding risk for delinquent or maladaptive behavior for Johnny..."

Delinquent behavior is not considered an eligibility criterion under California Educational Code, although it rightly remains a real clinical concern for Johnny. Regardless of misplaced cognitive estimations, Johnny's verbal ability is *relatively* weak compared to his non-verbal ability as estimated by the two 2006 AUSD, and this current 2008 AUSD, evaluations.

**Analysis of the 2006 WISC-IV results:**

***Wechsler Intellectual Scale for Children, Fourth Edition (WISC-IV)***

<b>Full Scale IQ Score</b>	<b>084</b>
Verbal Comprehension Index	085
Perceptual Reasoning Index	092
Working Memory Index	083
Processing Speed Index	091

Although the 2006 AUSD evaluation reported the WISC-IV Full Scale Score (FSIQ) to be 80 within the text, it is accurately reported as 84 in other parts of the report. As with the WJ III use of the higher Thinking Ability as representing the general cognitive ability for predicting academic skills, the 2006 AUSD evaluation chose the higher WISC-IV Perceptual Reasoning Index (PRI = 92) rather than the WISC-IV Full Scale Score (FSIQ = 84) reportedly due to the significant difference between the Perceptual Reasoning Index and the Verbal Comprehension Index (VCI=85). The report stated...

[Johnny's] true IQ falls in the range of 81-90...The Perceptual reasoning Index is 92, which is average, and...appears to be an accurate estimate of Johnny's cognitive ability.

A point of fact is that the 7 point difference between Johnny's Perceptual Reasoning Index and the Verbal Comprehension Index is not a statistically significant difference. As reported in the WISC-IV manual, a 7 point difference between the Perceptual Reasoning Index and the Verbal Comprehension Index has a 31.8% chance of occurring for student's whose FSIQ is between 80 and 89. The manual indicates that a 7 point discrepancy for Johnny's age group is not statistically significant (critical values) at either the .15 or the .05 levels of significance.

Dr. Nitlap noticed that "Johnny's score on the WISC-IV closely approaches a significant difference" when referring to the "V-P Index," rather than being 'significant different' as the AUSD 2006 evaluation erroneously reported. Dr. Nitlap cited Sattler's "Assessment of Children's Intelligence and Special Abilities" as the V-P Index discrepancy being "an indicator of risk of behavioral disturbance in children." Although this is true, it might be of service to add a quote from Sattler's "Assessment of Children's Intelligence and Special Abilities" regarding the "V-P Index" discrepancy as it relates delinquency and diagnosis (Sattler's italics);

*But the fact that a Verbal-Performance discrepancy is likely to appear in delinquent children does not mean that this pattern can be used as a diagnosis of delinquency. Many normal and exceptional children also show this form of discrepancy. The discrepancy may have no diagnostic relevance, especially when it is not statically significant.*

Dr. Nitlap continued to use the results of the AUSD's WISC-IV data in an attempt to support his DSM-IV diagnostic impression of Johnny being Oppositional Defiant Disorder. The clinical focus on the WISC-IV Comprehension subtest has been well documented regarding "knowledge of conventional standards and behavior, extensiveness of cultural opportunities, and level of development of conscience or moral sense" according to Sattler's "Assessment of Children." The following was taken from Dr. Nitlap's report which quoted a passage from the AUSD 2006 report (italics added);

Another subscale of importance includes his Comprehension score on the WISC IV. In contrast with the description of the Comprehension subtest provided by the district evaluator that the WISC-IV Comprehension "***is a measure of the ability to verbally communicate his knowledge and comprehension. It includes the ability to verbally communicate his knowledge and comprehension [sic]***," the subscale is clinically used to identify a child's understanding specifically of social comprehension and social mores.

It appears that Dr. Nitlap made a typo in quoting the 2006 AUSD passage. The passage reads...

Comprehension Knowledge is a measure of the breadth and depth of Johnny's language based knowledge. It includes the ability to verbally communicate his knowledge and comprehension.

A difficulty beyond this typo is the fact that this quoted passage from the AUSD report was not a reference to the WISC-IV Comprehension subtest. No Comprehension subtest analysis was completed for the 2006 AUSD report. This passage specifically referred to Comprehension Knowledge on the Woodcock Johnson III. In fact, this passage was originally generated by the WJ III Cognitive and Educational Evaluation computer program and then cut and pasted into the 2006 AUSD report.

The WJ III Comprehension Knowledge does not hold the same behavioral implications since it asks less morally laden questions compared to that of the WISC-IV Comprehension subtest, which Dr. Nitlap mistakenly thought the AUSD report quote was referring to.

To further support his clinical conclusions, Dr. Nitlap identified Johnny's Comprehension subtest score of 6 on the 2006 AUSD WISC-IV as being relatively weak and reported that this might indicate "difficulties in social comprehension or understanding features of interpersonal relationships." In truth, the 1.9 difference between the WISC-IV Comprehension subtest and the 10 subtest mean of 7.9 is not significant at the .05 or the .15 significant levels.

Although Dr. Nitlap's clinical conclusion might be appropriate as based on data accumulated from Mrs. Normal, his attempts to support his diagnostic conclusions based on the AUSD 2006 assessment data appears to have led to inaccuracies that were used in favor of his diagnostic conclusion.

#### **Analysis of the 2006 Academic results:**

The California Educational Code requires a 1.5 standard deviation as a relative discrepancy between general ability and achievement when used to determine eligibility for specific learning disabilities. This means that a student must have significant lower academic skills *relative* to their estimated ability level. This model is based on the high correlation between IQ test results and academic skill test results. Basically, academic skills are predicted reliably by IQ scores.

There are three major issues with the interpretation of the 2006 AUSD assessment data by the district evaluator that were ignored by Dr. Nitlap's analysis.

#### **Issue #1:**

The first issue, as previously mentioned, regards establishing the 1.5 standard deviation discrepancy for academic scores by the unexplained selection of the highest indexes from the WJ-III and WISC-IV rather than by the standard practice of using the instruments recommended general ability scores unless rendered invalid by reported circumstances.

The AUSD 2006 assessment data indicates a far different conclusion without the partial selection of cognitive scores. Johnny's intellectual ability would have been estimated to be approximately 87 when taking into account all the cognitive measurements given, i.e., the WISC-IV FSIQ of 84 and the WJ III GIA of 90. Using an overall 87 to estimate Johnny's intellectual ability would have been 'best practice' for establishing the expectation level of Johnny's academic skills unless otherwise explained.

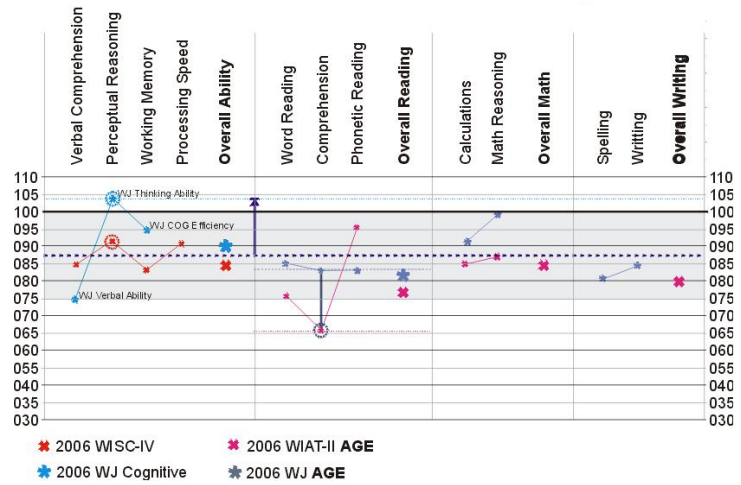
#### **Issue #2:**

When using an impartial ability estimate, Johnny's academic age grade scores fall within predictive ranges with the exception of the WIAT-II Reading Comprehension subtest. The second issue involves omitting higher scores on the WJ-III academic subsets that measure similar skills as measured by the WIAT-II. The AUSD 2006 report explains this selection by suggested that the WIAT-II was a measure of reading sentences rather than paragraphs. First of note is the fact that the WIAT-II reading Comprehension test does include paragraph reading. Second, reading Comprehension is a composite of many reading skills and the WJ-III higher reading scores were selectively omitted when determining eligibility under California Education Code.

In determining whether there was a discrepancy between Johnny's ability and academic skills, the 2006 report selected the highest ability scores and the lowest academic scores which mischaracterized Johnny's skill in relationship to his ability by neglecting the preponderance of data collected during the evaluation.

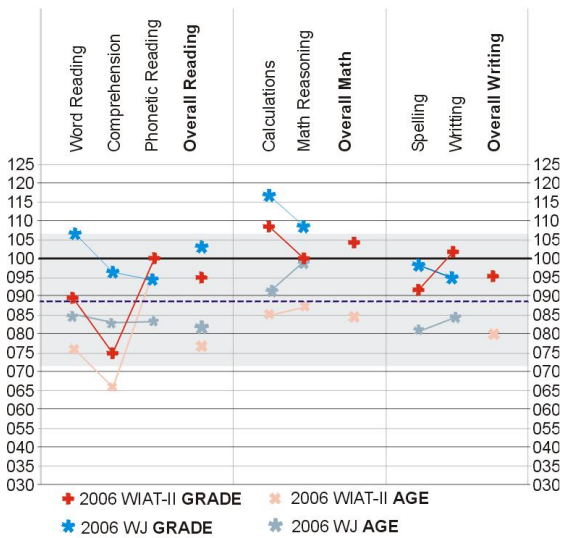
**Issue #3:**

The third, and greatest issue, was the AUSD 2006 report establishing Johnny's academic skill levels by use of age



scores rather than grade scores. The academic tests given to Johnny in 2006 were based on derivative norms established on the typical 9.0 year old student who had been taught the academic skills that Johnny had not yet been exposed to. In other words, when comparing Johnny's 2<sup>nd</sup> grade academic learning to students of his age, he was being compared to peers that had already learned the 3<sup>rd</sup>/ 4<sup>th</sup> grade curriculum being test for.

When there is a significant difference in age between a student and his grade level, the standard educational practice is to use Grade norms and not Age norms. This was not done in the 2006 AUSD evaluation, nor was it commented on by Dr. Nitlap's review. For Dr. Nitlap, this can be explained charitably by his clinical interpretation based on the DSM-IV rather than California Education Code.



**Current Assessments:  
WISC-IV:**

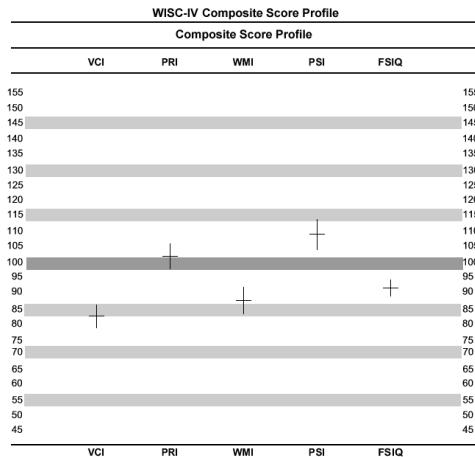
Johnny was administered the WISC-IV for this report and received a FSIQ score of 92, placing him in the Average range of intelligence and at the 30 percentile level. This is within comparable range of his last 2006 WISC-IV FSIQ score of 84 and the WJ III GIA of 90. The FSIQ measures the degree to which the WISC-IV score reflects general cognitive ability rather than a specific skill or "group factor" such as verbal ability, spatial visualization, or mathematical reasoning. In general, students with higher intelligence test scores apprehend, scan, retrieve, and respond to academic stimuli more quickly than those who score lower, although successful school learning depends on many personal characteristics other than intelligence, such as persistence, interest in school, and willingness to study.

Scale	Sum of Scaled Scores	Composite Score	Percentile Rank	95% Confidence Interval	Qualitative Description
Verbal Comprehension (VCI)	21	83	13	77-91	Low Average
Perceptual Reasoning (PRI)	31	102	55	94-109	Average
Working Memory (WMI)	16	88	21	81-97	Low Average
Processing Speed (PSI)	23	109	73	99-117	Average
Full Scale (FSIQ)	91	92	30	87-97	Average

**Verbal Comprehension Index (VCI = 83, 13%):**

The Verbal Comprehension Index is composed of Similarities (25%), Comprehension (9%), and Vocabulary (16%) subtests. This index requires abilities in verbal conceptualization, stored knowledge access and oral expression. Johnny's ability to answer orally presented verbal questions that assess common-sense reasoning, reasoning out or retrieving word associations, and describing the nature or meaning of words is in the low average range as compared to his age peers.

Subtest	Raw Score	Scaled Score	Percentile Rank
Similarities	17	8	25
Vocabulary	27	7	16
Comprehension	15	6	9



**Verbal Comprehension Subtests:**

**Similarities: (SS = 8, Average, 25%)**

This subtest measures verbal abstract reasoning and conceptualization abilities. The individual is asked how two things are alike. Sample question: "How are a snake and an alligator alike?" Johnny's ability measured by the similarities subtest is in the average range.

**Vocabulary: (SS = 7, Low Average, 16%)**

This test measures receptive and expressive vocabulary. It is the best overall measure of general intelligence (assuming the test-taker's native language is English). Sample question: "What is the meaning of the word 'articulate'?"

**Comprehension Subtest: (SS = 6, Borderline, 9%)**

This subtest measures understanding of social conventions and common sense. It is also culturally loaded. Sample question: "What is the thing to do if you find an injured person lying on the sidewalk?" This is Johnny's lowest scoring subtest and his lowest ability area.

**Perceptual Reasoning Index (PRI = 102, 55%):**

The Perceptual Organization Index is composed of the Matrix Reasoning (75%), Picture Concepts (75%), and Block Design (16%) subtests. This index requires ability in visual perception/organization and reasoning with visually presented nonverbal material to solve the kinds of problems that are not school taught. The Block Design subtest also requires visual-motor coordination and the ability to apply all skills in a quick and efficient manner with accurate and quick responses. Johnny's PRI scores reflect average ability as compared to his age peers.

Subtests	Raw Score	Scaled Score	Percentile Rank
Block Design	22	7	16
Picture Concepts	20	12	75
Matrix Reasoning	24	12	75

**Perceptual Reasoning Subtests:**

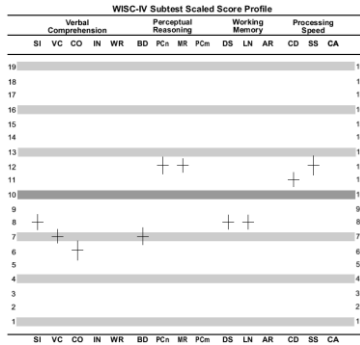
**Picture Concepts: (PCn = 12, Average, 75%)**

Requires matching pictures which belong together based on common characteristics and measures non-verbal concept formation and reasoning.

**Processing Speed Index: (PSI = 109, Average, 30%)**

Requires visual perception and organization, visual scanning, and the efficient production of multiple motor responses. These tasks require executive control of attention and sustained effort

for a 2-minute period of time while working with visual material as quickly as possible. Performance on Coding is also dependent on paired-associative learning.



**Matrix Reasoning: (MR = 12, Average, 75%)**

The Matrix Reasoning subtest is a non-timed test which measures abstract nonverbal reasoning ability. This subtest consists of a sequence or group of visual abstract designs where the student is required to fill in a missing design from a number of choices using minimal visual-motor abilities. This helps measure the students nonverbal abstract problem solving, inductive reasoning, and spatial reasoning without eye-hand coordination interference. Although many Matrix reasoning items require undiluted fluid reasoning ability, spatial orientation and visualization are also demanded for a number of items. Thus, the Matrix Reasoning subtest is a culture and language-free measurement of visual abstraction and non-

verbal fluid reasoning ability

**Working Memory Index (WMI = 88, 21%):**

The Working Memory Index is composed of the Letter-Number Sequencing (25%) and Digit Span (25%) subtests. This index requires working memory processes applied to the manipulation of orally presented verbal sequences. Johnny's ability to hold and manipulate auditorily presented verbal sequences and provide a sequentially correct verbal response falls within the low average range.

Subtests	Raw Score	Scaled Score	Percentile Rank
Digit Span	13	8	25
Letter-Number	14	8	25

*Working Memory Subtests:*

Digit Symbol: (DS = 8, Average, 25%)

Symbols are matched with numbers or shapes according to a key. Measures visual-motor speed and short-term visual memory.

Letter-Number: (LN = 8, Average, 25%)

The examinee is read a number and letter sequence and is Sequencing (LN) required to recall numbers in ascending order and letters in alphabetical order.

**Processing Speed Index (PSI = 109, Average, 73%):**

The Processing Speed Index is composed of Coding (63%) and Symbol Search (75%) subtests. This index requires visual perception and organization, and the

Subtests	Raw Score	Scaled Score	Percentile Rank
Coding (CD)	47	11	63
Symbol Search (SS)	27	12	75

production of multiple motor responses as quickly and consistently as possible. These tasks require executive control of attention and sustained effort for a two-minute period of time while working with visual material as quickly as possible. Johnny scored in the Average range on the PSI index as compared to his age peers. Johnny's Bender showed average scoring by the Watkins method.

*Processing Speed Subtests:*

Coding: (CD = 11, Average, 63%)

The examinee is required to copy symbols that are paired with either geometric shapes or numbers using a key within a specified time limit.



Symbol Search: (SS = 12, Average, 75%)

The examinee is required to scan a search group and indicate the presence or absence of a target symbol(s) within a specified time limit.

Subtest	Score	SEM	Subtest	Score	SEM
Similarities (SI)	8	1.12	Picture Completion (PCm)		
Vocabulary (VC)	7	0.95	Digit Span (DS)	8	0.99
Comprehension (CO)	6	1.34	Letter-Number Sequencing (LN)	8	0.99
Information (IN)			Arithmetic (AR)		
Word Reasoning (WR)			Coding (CD)	11	0.99
Block Design (BD)	7	1.2	Symbol Search (SS)	12	1.34
Picture Concepts (PCn)	12	1.2	Cancellation (CA)		
Matrix Reasoning (MR)	12	0.99			

### WISC-IV Analysis:

Johnny's WISC-IV subtest scatter demonstrated one subtest that scored significantly different than the mean of all subtests. The Matrix reasoning subtest scored significantly greater relative to other subtests, indicating that Johnny's abstract nonverbal reasoning ability is a relative strength for him.

Subtest	Subtest Scaled Score	Mean Scaled Score	Diff. from Mean	Critical Value	S/W	Base Rate
Block Design	7	9.1	-2.10	3.01		>25%
Similarities	8	9.1	-1.10	3.01		>25%
Digit Span	8	9.1	-1.10	2.87		>25%
Picture Concepts	12	9.1	2.90	3.39		10-25%
Coding	11	9.1	1.90	3.17		>25%
Vocabulary	7	9.1	-2.10	2.70		25%
Letter-Number Sequencing	8	9.1	-1.10	2.63		>25%
Matrix Reasoning	12	9.1	2.90	2.68	S	10-25%
Comprehension	6	9.1	-3.10	3.44		10-25%
Symbol Search	12	9.1	2.90	3.56		10-25%

He will have relative confidence in his ability to sequence visual abstract designs using minimal visual-motor skills and without eye-hand coordination. He has relative strength in nonverbal abstract problem solving, inductive reasoning, and spatial reasoning interference.

Factor analysis indicated a relative weakness in the subtests that are associated with Verbal Comprehension. This is a measurement of a student's richness of verbal skills or verbal conceptualization. Each of these subtests measures the individual's fund of verbal knowledge; the ability to manipulate verbally related symbols, or both of these factors in most instances. Although cultural and language differences may affect absolute scores, a good deal of research exists to

Discrepancy Comparisons	Scaled Score 1	Scaled Score 2	Diff.	Critical Value	Sig. Diff. Y/N	Base Rate
VCI - PRI	83	102	-19	10.6	Y	7.9%
VCI - WMI	83	88	-5	10.99	N	36.1%
VCI - PSI	83	109	-26	11.75	Y	6%
PRI - WMI	102	88	14	11.38	Y	16.7%
PRI - PSI	102	109	-7	12.12	N	32%
WMI - PSI	88	109	-21	12.46	Y	10.1%

Subtest	Score Range	Raw Score
Block Design	0 to 68	22
Similarities	0 to 44	17
Digit Span	0 to 32	13
Picture Concepts	0 to 28	20
Coding	0 to 119	47
Vocabulary	0 to 68	27
Letter-Number Sequencing	0 to 30	14
Matrix Reasoning	0 to 35	24
Comprehension	0 to 42	15
Symbol Search	0 to 60	27
Process Score	Score Range	Raw Score
Digit Span Forward	0 to 16	8
Digit Span Backward	0 to 16	5
Longest Digit Span Forward	0,2 to 9	6
Longest Digit Span Backward	0,2 to 8	3

indicate that this factor structure for the WISC-IV remains stable across all groups. Johnny can be expected to have relative difficulty in manipulate verbally related symbols compared to his other cognitive abilities.

### DSF/DSB:

Both DSF (raw score = 8) and DSB (raw score = 5) require initial encoding of auditory information and are therefore processed with the same auditory input processing neural networks for initial encoding. DSF tends to be held in a relatively

passive manner in the initial encoding buffer and accessed directly to produce a response. DSB requires the movement of the information from the initial encoding buffer into working memory where it is actively manipulated in order to produce a response. Johnny's DSF and DSB did not show significant statistical difference.

**Current WIAT-II:**

Johnny was administered the WIAT-II to measure his current academic skills level based on his grade level.

**Reading:**

Johnny's Reading Composite score is 91, 27%. These tasks required him to identify and generate letter sounds and rhyming words, match and read a series of printed words, match words with pictures, read sentences and paragraphs and answer questions about what was read, and to correctly apply phonetic decoding rules when reading a series of nonsense words. These skills are better than those of approximately 27 out of 100 children his grade level. Generally speaking, his skills are currently in the average range.

*Reading Subtests:*

Word Reading (SS = 99, Average, 45%):

Phonological skills (working with sounds in words) and reading words aloud from lists. Only the accuracy of the pronunciation (not comprehension) is scored.

Reading Comprehension (SS = 97, Average, 42%):

Matching words to pictures, reading sentences aloud, and orally answering oral questions about reading passages. Silent reading speed is also assessed.

Pseudoword Decoding (SS = 87, Low Average, 19%):

Reading nonsense words aloud from a list (phonetic word attack).

**Mathematics:**

Johnny's Mathematics score is 96, 39%. These tasks assess his ability to solve basic addition and subtraction problems and to understand basic number concepts, including unit and geometric measurement, and solve one-step word problems. His skills are currently in the average range and are higher than those of approximately 39 out of 100 children his grade.

*Mathematics Subtests:*

Numerical Operations (SS = 92, Average, 30%):

Solving paper-and-pencil computation examples with only a few items for each computational skill.

Math Reasoning (SS = 102, Average, 55%):

Solving verbally framed "word problems" presented both orally and in writing or with illustrations. Paper and pencil are allowed.

WIAT-II Grade Based Scores		
<b>Reading</b>		
Word Reading	<b>98</b>	45%
Reading Comprehension	<b>97</b>	42%
Pseudoword Decoding	<b>87</b>	19%
<b>Composite Score</b>	<b>91</b>	27%
<b>Mathematics</b>		
Numerical Operations	<b>92</b>	30%
Math Reasoning	<b>102</b>	55%
<b>Composite Score</b>	<b>96</b>	39%
<b>Written Language</b>		
Spelling	<b>93</b>	32%
Written Expression	<b>86</b>	18%
<b>Composite Score</b>	<b>88</b>	21%

### Written Language:

Johnny's Written Language score is 88, 21%. The writing tasks required Johnny to generate words within a category, generate sentences to describe visual cues, and combine sentences. His skills are currently in the low average range and are higher than those of approximately 21 out of 100 children his grade.

#### Written Language Subtests:

Spelling (SS = 93, Average, 32%):

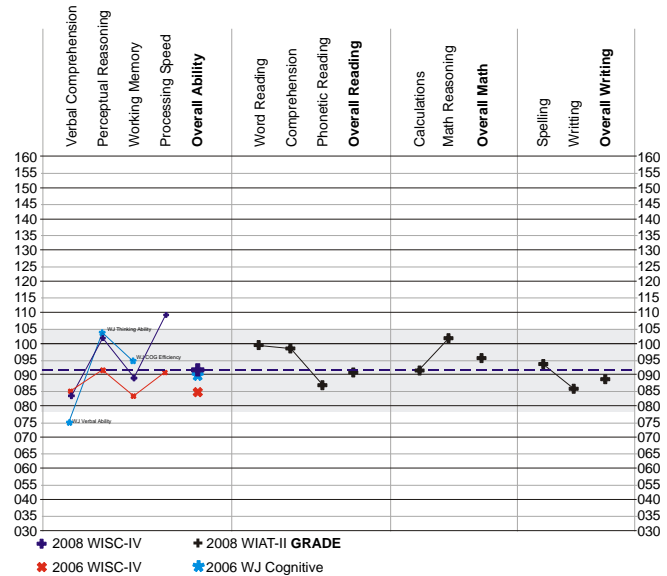
Written spelling of dictated words that are read in sentences.

Written Expression (SS = 86, Low Average, 18%):

Writing words as quickly as possible, writing sentences, and writing a paragraph or essay.

### Current WISC-IV & WIAT-II Analysis:

Taking into consideration Johnny's current WISC-IV IQ results, as well as the results of his previous two IQ assessments, his estimated cognitive ability is in the average to low average range. The estimated cognitive ability level accurately predicts his WIAT-II academic scores based on the grade level of educational exposure. No significant discrepancy was evident between Johnny's cognitive ability and his academic skill levels. Johnny does not meet eligibility as a student with a specific learning disability under California Educational Code.



### REVIEW OF PREVIOUS BEHAVIOR AND EMOTIONAL EVALUATIONS:

After the initial 2006 AUSD psychoeducational evaluation Johnny's parents procured the services of a clinical psychologist, David M. Nitlap, Ph.D. His 2007 report focused on the parent's concern for Johnny's "emotions and behavior at home and school."

Dr. Nitlap's 2007 report indicated the following;

Johnny has demonstrated periods of negative mood and irritability that are exhibited in yelling, sullenness, and frequent complaints about daily activities. Johnny also demonstrates strong resistance to normal activities such as writing, getting dressed, and sleeping in his bed. He avoids being hugged or touched, and has other tactile sensitivities to activities such as hair washing. Johnny has exhibited these symptoms since approximately four years of age.

Although not explicitly reported, these observations were apparently reported by Johnny's parents as no mention of these specific behaviors were reported during Dr. Nitlap's school observation.

The essence of Dr. Nitlap's 2007 analysis of the AUSD 2006 report is summed up in the following excerpt;

There were distinct contrasts between the district evaluator’s observations and conclusions about Johnny’s social and emotional functioning, and evidence presented in grade reports, homework charts, the BASC II scales, and his parents expressed concerns. There were also inconsistencies within the 2006 evaluation regarding his functioning.

Dr. Nitlap is referring to the AUSD 2006 evaluation reporting that Johnny has “good study habits,” “acts in a safe manner,” “behavior at school is satisfactory this year” and “has matured and his social skills are age appropriate” as compared to the “evidence” from records and the BASC-II teacher survey. Dr. Nitlap concluded that the AUSD 2006 report did not identify or address “ongoing behavior difficulties” and that “Johnny’s behavioral and interpersonal symptoms represent significant impairments that were underrepresented in his previous multidisciplinary evaluation.”

A systematic review of the “evidence” of “ongoing behavior difficulties” that “were underrepresented at school” was completed for this evaluation.

**Kindergarten to Third Grade Progress Reports:**

Johnny received Achievement and Effort grades since kindergarten.

**Behavior Data (Kindergarten to second term 3<sup>rd</sup> grade):**

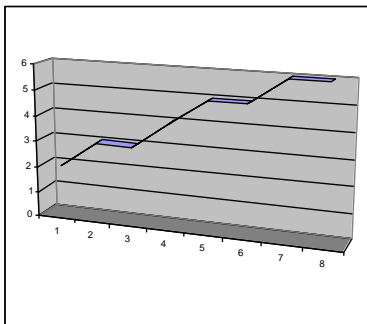
Behavior Progress	FirstGrade			Second Grade			Third Grade	
Letter Grade	N	N+	N+	S-	S	S	S+	S+
Numbers Assigned:	2	3	3	4	5	5	6	6

Enumerating Johnny’s behavior ‘letter effort grades’ charts his behavior from the first through the third grade second

quarter. The following numbers were assigned to the letter grades; (N- = 1, N = 2, N+ = 3, S- = 4, S = 5 S+ = 6).

The *Behavior Chart* visually demonstrates Johnny’s behavior through the first (horizontal labels 1, 2, 3), second (horizontal labels 4, 5, 6) and third (horizontal labels 7, 8) grades.

**Behavior Chart:**



Johnny’s behavior reports from 1<sup>st</sup> grade to the second term of the 3<sup>rd</sup> grade, which he is currently in, demonstrated a steady improvement as reported by his school psychologist, his 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> grade teachers, and his principal at Pleasant Valley. In the 1<sup>st</sup> grade Johnny’s behavior was identified as Needing Improvement (N) and then progressed to Needs Improvement Plus (N+) for the last two terms of his 1<sup>st</sup> grade. The start of the second grade showed Johnny’s behavior being rated as Satisfactory Minus (S-) and improving to Satisfactory (S) for the last two 2<sup>nd</sup> grade terms. The first two terms of the 3<sup>rd</sup> grade rated Johnny’s behavior as

Satisfactory Plus (S+).

During the time of the AUSD 2006 report Johnny’s behavior was improving from low Satisfactory to Satisfactory. By Dr. Nitlap’s 2007 report Johnny’s behavior was demonstrating Satisfactory progress, which Dr. Nitlap reported.

**Achievement Grade Data (1<sup>st</sup> grade to second term 3<sup>rd</sup> grade):**

Analyzing Johnny’s first, second, and third year grades for trends also required enumerating the letter grades of N- to O+ from 1 to 9. The *Grade Chart* demonstrates Johnny’s achievement

through the first (horizontal labels 1, 2, 3), second (horizontal labels 4, 5, 6) and third (horizontal labels 7, 8) grades.

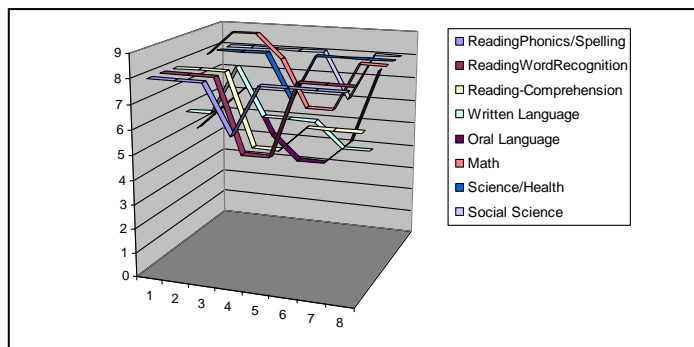
**Achievement Grade Data:**

GRADE	Kindergarten			First Grade						Second Grade						Third Grade			
	t1	t2	t3	1 <sup>st</sup> term		2 <sup>nd</sup> term		3 <sup>rd</sup> term		1 <sup>st</sup> term		2 <sup>nd</sup> term		3 <sup>rd</sup> term		1 <sup>st</sup> term		2 <sup>nd</sup> term	
Achievement/Effort	E	E	E	A	E	A	E	A	E	A	E	A	E	A	E	A	E	A	E
ReadingPhonics/Spelling				O	O	O	O	O	O	S+	S+	O	O	O	O	O	O	O	O
ReadingWordRecognition	S	O	O	O	O	O	O	O	O	S	S+	S	S+	O	O	O	O	O	O
Reading-Comprehension	S	O	O	O	O	O	O	O	O	S	S+	S	S	S+	S+	S+	O	S+	O
Written Language	S	O	O	S+	O	S+	O	O	O	S+	O	S+	S+	S+	S+	S	S	S	S
Oral Language	S	O	O	S	O	S+	O	O-	O	S	S	S-	S	S-	S-	S	S	O	O
Math				O	O	O+	O	O+	O	O	O	S+	O	S+	O	O	O	O	O
Science/Health				O	O	O	O	O	O	S+	O	O	O	O	O	O	O	O	O
Social Science				O	O	O	O	O	O	O	O	O	O	S+	S+	O	O	O	O
Handwriting				O		O		O		S+		S		S+		S		S	S+
Behavior	NT	SC	SC	N		N+		N		S-		S		S		S+		S+	S+
Fine Arts				S+		S+		O		S		S		S+		S+		S+	S+
Computer Education				O		O		O		S		O		O		O		S+	S
Homework				O		O		O		S+		O		O		O		O	O
Physical Education				S+		S+		S+		S		O		O		O		O	O

O = Outstanding / S = Satisfactory / N = Needs Improvement / Kindergarten SC = Special Concern / NT = Needs more time

**Achievement Grade Chart:**

Johnny's last grading period, 3<sup>rd</sup> grade term 2, shows his lowest *relative* performance in the Reading Comprehension and Written Language areas, which were rated by his teacher as Satisfactory Plus (S+) and Satisfactory (S) respectively. All other achievement ratings (Reading Phonics/Spelling, Reading Word Recognition, Oral Language, Math, Science/Health, Social Science) fell in the Outstanding (O) range.



Johnny's efforts, although not visually charted, show the same high level of progress as the achievement scores do. On the whole, Johnny's grades regarding academic skills are outstanding.

Achievement	1 <sup>st</sup> grade			2 <sup>nd</sup> grade			3 <sup>rd</sup> grade		
	A	A	A	A	A	A	A	A	A
ReadingPhonics/Spelling	8	8	8	6	8	8	8	8	8
ReadingWordRecognition	8	8	8	5	5	8	8	8	8
Reading-Comprehension	8	8	8	5	5	6	6	6	6
Written Language	6	6	8	6	6	6	5	5	5
Oral Language	5	6	7	5	4	4	5	8	8
Math	8	9	9	8	6	6	8	8	8
Science/Health	8	8	8	6	8	8	8	8	8
Social Science	8	8	8	8	8	6	8	8	8

**Dr. Nitlap Behavior Analysis of the AUSD 2006 Report:**

The following is a summary of Dr. Nitlap's analysis of the 2006 AUSD report of Johnny behavior at school:

- Social development has been a specific are of concern
- Johnny displays an 'irritable independent' posture in resistance to offers to help him with activities or tasks
- Johnny has complained of sensitivity to heat, touch, and texture
  - Not wanting his hair or face touched
  - Avoiding hugs by loved family members
  - Playful touch leads to complains about being hurt
  - Pickiness to foods based on texture
  - Avoidance of tooth brushing
  - Demands to wear only certain clothing
- Johnny's mother reported that problems in behavior began to emerge in Kindergarten

- [Behavior] worsened when he entered the first grade
  - Aggression, defiance, yelling, cursing and rough play
  - Hitting, biting, pushing, and spitting
  - Played in an unsafe manner, such as racing under swings

[Home] battles about homework and preparation for school

[Behaviors] resurfaced during the course of the second grade

Risk taking; alienating behavior; provocation of peers - Citations 10/13/06 to 11/16/06 (spitting, hitting and pushing)  
Johnny continues to display avoidance and defensiveness when confronted with his behaviors  
These behaviors are replicated at home and include defiance, yelling, and refusal to complete tasks related to school  
Refuses to read, or make simple changes to homework such as adding his name to the page

Homework records 2006/07: Incomplete grades during the five week grading period  
Week of October 2<sup>nd</sup>-6<sup>th</sup>: Refusal to complete work

Dr. Nitlap “evidence” of “ongoing behavior difficulties” that “were underrepresented at school” appears to have been primarily based on Johnny’s “parents expressed concerns” since the school’s overall data suggests that the 2006 AUSD evaluation reporting that Johnny “has matured and his social skills are age appropriate” is more congruent with the evidence based on actual data.

Dr. Nitlap conclusion that Johnny’s behavior problems were underrepresented by the 2006 AUSD report may have been skewed due to the fact that, within the school system, only behavior corrections needed by the administration are accumulated in student’s files. It is not unusual for primary grade males to need corrective interventions. The 2006 AUSD evaluator was interviewed for this evaluation and, regarding Johnny’s behavior, reported that “Johnny had a problem [in the 1<sup>st</sup> grade] when he didn’t get his way...but he has no social or behavioral problems now. He’s like every other kid. They have issues with other kids and its over.”

Dr. Nitlap reporting a few citations as evidence of Johnny’s lack of behavior progress selectively ignored the evidential data revealing Johnny positive progress in behavior at school. Along with the data gathered over the years showing behavioral progress, interviews of school professionals familiar with Johnny report that his current behavior is not abnormal in relation to his peers. The lack of evidence for defiance of authority *at school* does not mean that Johnny isn’t defiant *at home*.

In summary, the evidential data from Johnny’s school records supports the testimonies of the school professional who work with Johnny; He began school with social behavior problems that have improved as he became adjusted to the structured school environment. Although Johnny has successfully progressed at school, reports from his mother indicate that he continues to demonstrate significant defiance at home.

As of 5/8/08, Johnny’s mother reported, on a questionnaire, that he:

Refuses to brush his teeth, wash hair, wash hands, change cloths, change socks  
Problems accepting verbal communication give and take  
Picky eater  
Extreme sensitivity to anyone talking, or TV when he is doing anything [with his hands]  
Thumb sucking and rocking all the time  
Yelling, cussing, complaining  
Gets angry when someone tries to talk and talks over people before they finish  
Makes friends but has problems keeping them  
Lack of awareness of safety crossing streets w/o looking (yells/cusses when told to look)  
Yells at people, tells people to “shut up” and talks over them  
Yells if house is not quiet  
Refuses to ignore and do homework  
Completely refuses to do any reading, homework at all this year  
Cusses, threatens, angry – has to have his way  
Gets very angry

Although the professionals that work with Johnny at school report that he is not at all defiant with them, his mother remains concerned that the behavior she observes at home also occurs at school. During a 6/4/08 phone conversation with this examiner Mrs. Normal said she did not know why Pleasant Valley was participating in a “cover up.” A 5/12/08 field trip Consent Form reflects Johnny’s mothers concern for his behavior at school. The Consent Form, filled out by Mrs. Normal, included the following apprehensions regarding Johnny behavior for the field trip she was consenting to;

May cuss, yell, hit, kick, talk back. May jump, leap, etc inappropriately, take risks, may become distracted and wonder off. May run off if he gets angry, may yell, become defiant, may become oppositional if he does not get to do what he wants, or if the noise of a large group talking bothers him.

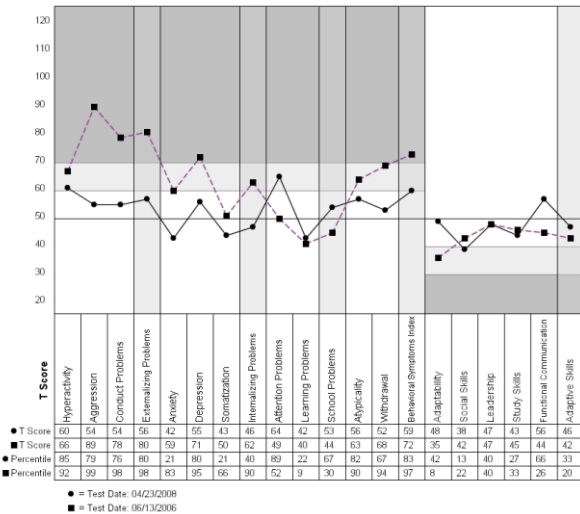
Mrs. Harrison, Johnny’s 3<sup>rd</sup> grade teacher was asked to write a paragraph describing Johnny’s behavior after they returned from the field trip. This was requested before the field trip in an effort to track Johnny’s mothers concerns.

**Mrs. Harrison’s field trip report:**

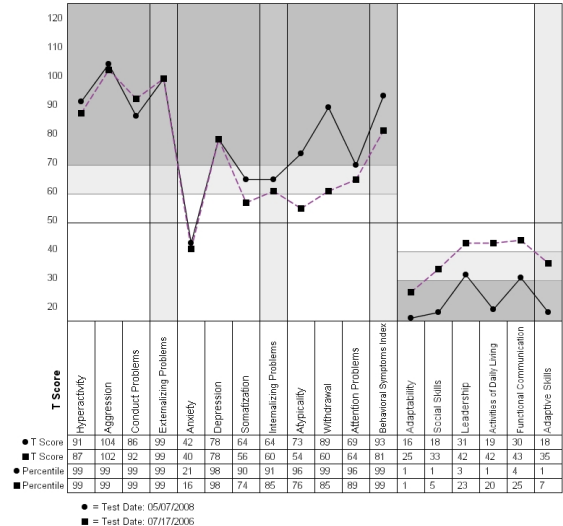
The third grade students and teachers at Pleasant Valley went on a filed trip to the San Bernardino County Museum. We left school about 9:00am and returned about 2:00pm. Johnny Normal was in attendance. I observed his behavior on the bus and at the museum. Johnny was appropriate all day. He had money to spend at the gift shop, but waited patiently all morning until it was time to shop. There were a couple presentations during the day where the students were asked to sit and listen to some factual information. Johnny sat and listened very attentively both times. He slept briefly, on the bus, on the way back to school. He enjoyed this field trip.

To illustrate the contrast between Mrs. Normal’s perceptions of Johnny’s behavior in the 2<sup>nd</sup> and 3<sup>rd</sup> grades, compared to that of his 2<sup>nd</sup> and 3<sup>rd</sup> grade teachers, the BASC-2 results were compared for both years.

**Teachers BASC-2 (2<sup>nd</sup> & 3<sup>rd</sup> grade comparisons)**



**Mothers BASC-2 (2<sup>nd</sup> & 3<sup>rd</sup> grade comparisons)**



Mrs. Normal completed BASC-2 surveys for the previous AUSD 2006 report and for this current report. Johnny’s 2<sup>nd</sup> grade teacher completed the BASC-2 survey for the previous AUSD 2006

report and his 3<sup>rd</sup> grade teacher completed one for this report (a comprehensive BASC-2 analysis comes later in this report).

Of significance is Johnny's mother's BASC-2 varied little, indicating continued observed problems at home with little improvement. The school BASC-2 demonstrated the same progress as shown in the data from Johnny's behavior progress and grade reports during this time. Also of note is the difference in severity of problems between Mrs. Normal's BASC-2s and the school's BASC-2s. Based on this data, Johnny's problems were perceived by his mother as more severe at home for both years than both his 2<sup>nd</sup> and 3<sup>rd</sup> grade teachers.

The comparison of BASC-2 data also lends support to the consideration that Dr. Nitlap's criticism of the 2006 AUSD report regarding Johnny's behavior problems as 'underrepresented' may have been overly influenced by the "parents expressed concerns." No "cover-up" by Pleasant Valley was evident to this examiner. During the 6/4/08 phone conversation with Mrs. Normal she also mentioned that Johnny's behavior has recently improved at home since they employed Dr. Nitlap's 'stricter' approach.

Based on the totality of evidence reported above, Johnny appears to have progressively adjusted favorably at Pleasant Valley due to the school's socialization and structured environment while continuing to have problem behaviors within the home environment.

#### **School Observed Behavior:**

Johnny was observed on a number of occasions and in various locations. As the school professionals reported, Johnny was observed interacting with peers both within the classroom and during recess. During one of the classroom observation, Johnny teacher was instructing the class on taking a practice STAR test. Johnny attention was similar to that of his peers. At one point he indicated to another student to stop talking as the teacher lectured. No interactions were observed as the teacher lectured and the student's took the practice test.

There was no indication of Johnny reacting to loud noises as he was as loud as other students both within the classroom and during recess. There was one incident where Johnny and another peer appeared to be playing a game with the objective of getting a third peer to join other students during recess. Johnny and his peer friend would approach the third peer and attempt to get him to run off to the group on the playing ground with them.

During other classroom observations Johnny was observed interacting with three or four male peers and one or two female peers at various times. He was observed being corrected by the teacher, along with other peers, before the class was to go on a field trip. Some of the male peers brought money for the field trip and the teacher had to tell them to put away their money for safety. Johnny took the corrections without any signs of acting out.

Johnny's teacher was interview a number of times. She reported no defiance and she expressed her fondness for him. The principal and a few other teachers also commented on how Johnny was like by them and one teacher went out of her way to tell me that Johnny was her "favorite." Johnny said that he liked his teacher and he often comes to help her before the class starts (taking down chairs, etc.).

Johnny was very open when interviewed and he appeared to enjoy talking about himself in an ironic-like style. Although Johnny is small for his age, he appears to have a keener sense of himself as an individual than his grade peers. Johnny said that he wanted to be a Marine and shared that he comes from a "military family."



When asked about how he behaves at home, Johnny smiled and repeated similar stories on different occasions;

I'm bad at home and I get what ever I want. She [mother] use to chase me around the house. She puts me in time out. I just get out and eat chips. I don't think I even went to time out, not since kindergarten.

Johnny mentioned "just eating chips" multiple times over a four week period during interviews. He couldn't explain what it was about this phrase that described what happens after he misbehaves at home, but it appeared to indicate that he always gets his way. His mother has also indicated that he must always have his own way.

Regarding his father, Johnny said the following and repeated something similar each of the three times the topic was brought up over a four week period:

[Dad] gets along with us. He gets mad at the dumbest things. He says that's he's very disappoint in me, and that's it. Nothing more. [Using a deeper voice] "I'm very, very disappointed in you."

During the first interview Johnny stated the following about himself:

I'm a spoiled brat. I get what ever I want. I get \$600 a year to buy more crap. I got too much stuff. I play rated M games. [What does your mother say?] Sometimes she yells at me and I tell her I'm a spoiled little brat. I do whatever I want. Mostly I yell and still get to eat chips.

Johnny spoke about his older autistic brother and his older sister, who has "pet rats." Johnny said that he is good at figuring out how to make trouble for his brother and referred to his sister as 'lazy.'

Johnny said that he doesn't like school because he doesn't like to work. He claimed that his first year of school was "horrible" and that he hated his neighborhood (Johnny now goes to a different school than his neighborhood school). He said that he has friends but it appears they are at school and not in his neighborhood. Johnny stated:

First grade was horrible. I beat up everybody that picked fights with me and everybody losses fights with me. They got afraid of me so I don't get into fights [anymore]. I hated my first grade teacher. I like my teacher now.

Johnny expressed disrespect for his mother, although he showed no disrespect for the school professionals working with him except for his first grade teacher. The school principal and his current teacher both said that they have never seen the problem behaviors that are reported at home (sucking thumb, rocking, talking back, defiance toward authority, etc.). Johnny acknowledges that he behaves differently at school but he focuses on his mother when asked what it is about school that keeps him in control:

I sleep on the couch in the living room. For two years! I don't want to sleep anywhere else. I don't have a bed and she [mother] says it will have to stop. I try to get her angrier. I start shaking and say, "That's supposed to get me angry?"

**Dr. Nitlap’s Observations:**

Dr. Nitlap reported that Johnny was observed, presumably not while at school, as irritable, rocking back and forth, and avoiding open-answered questions. Johnny was said to present himself with a “pseudo-maturely independence” stating he wished that he was “18, had a driver’s license, and that mom would kick me out of the house at this age.”

Johnny behaved quite differently as reported by Dr. Nitlap at school than as reported by his teachers and administration. Dr. Nitlap’s school observation described Johnny as not having “direct communication with other children,” seeming to “deliberately avoid engaging with others,” “disregarded his environment and peer activities,” had an “absence of cooperative engagement or communication with other children,” “did not engage in verbal communication” and “displayed little meaningful interaction with peers.”

Dr. Nitlap made sure to mention that he “did not have the impression that Johnny’s behavior represented compulsive repetition or ‘behavior scripting’” typical of autistic children. This examiner also agrees with the impression that autism is not a suspected disability.

In questioning the school professionals as to whether Johnny’s behavior changed that drastically from Dr. Nitlap’s observation to now, a number of them stated that Johnny acted quite differently when observed by Dr. Nitlap, possible due to Johnny knowing that Dr. Nitlap was there to observe him. Other than the possibility that Johnny acted out due to Dr. Nitlap observing, this examiner has no explanation for the difference in observations reported by Dr. Nitlap and the school.

**BASC-2:**

*[BASC-2 individual survey descriptions have been omitted from this presentation report]*

**BASC-2 Summary:**

**Johnny (1 Clinically Significant Score)**

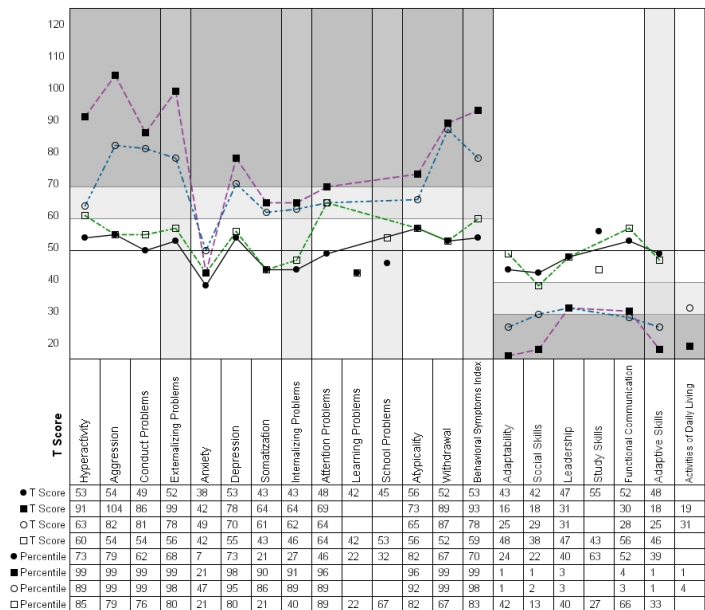
Johnny perceived himself as having Clinically Significant problems in his Attitude to School.

**Mrs. Normal (10 Clinically Significant Score)**

Mrs. Normal perceives Johnny as having Clinically Significant problems in the areas of Atypicality, Withdrawal, Aggression, Hyperactivity, Conduct Problems, Depression, Adaptability, Social Skills, Activities of Daily Living and Functional Communication.

**Mr. Normal (6 Clinically Significant Score)**

Mr. Normal perceives Johnny as having Clinically Significant problems in the areas of Withdrawal, Aggression, Conduct Problems, Depression, Adaptability and Social Skills.



● = TRS-C, 06/04/2008, Rater: HUST  
 ■ = PRS-C, 05/07/2008, Rater: NEWDONNA  
 ○ = PRS-C, 05/07/2008, Rater: FATHER  
 □ = TRS-C, 04/23/2008, Rater: THIRD GRADE TEACHER

**Mrs. Harrison 3<sup>rd</sup> grade teacher (No Clinically Significant Score)**

Mrs. Harrison did not perceive Johnny as having any Clinically Significant problems.

**Mrs. Jones. Principal (No Clinically Significant Score)**

Mrs. Jones did not perceive Johnny as having any Clinically Significant problems.

As with narrative reports, Johnny is perceived different at home than at school. School personnel report no abnormal problems while Johnny’s parents have continued to see defiance and oppositional behaviors.

**Attention Deficit Disorders Evaluation Scale – (ADDEDS):**

The ADDEDS was completed by Johnny’s parents, his teacher and the principal.

ADDEDS (Mother): Quotient= 61, 1%; Inattentive SS = 2; Hyperactive-Impulsive SS = 1

ADDEDS (Father): Quotient= 82, 13%; Inattentive SS = 6; Hyperactive-Impulsive SS = 6

ADDEDS (Teacher): Quotient= 114, 81%; Inattentive SS = 13; Hyperactive-Impulsive SS = 12

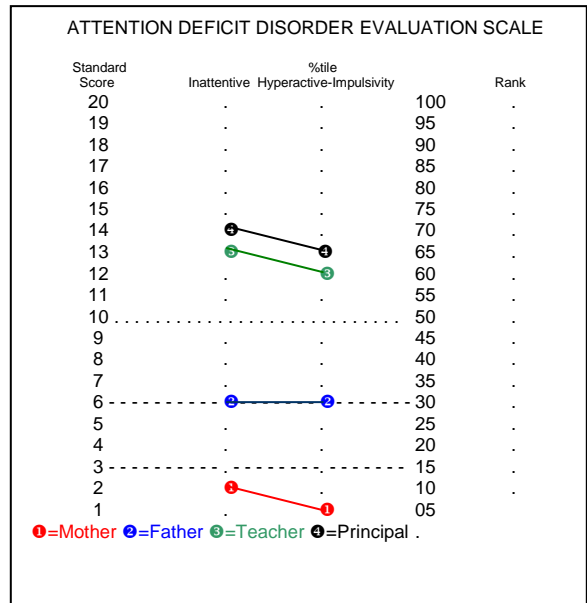
ADDEDS (Principal): Quotient= 143, 99%; Inattentive SS = 14; Hyperactive-Impulsive SS = 13

Mrs. Normal’s ADDEDS survey also included the following notes:

- Refuses to do homework
- Refuses to read books this year
- Rocks back and forth throughout day
- Cusses loudly in public
- Anger out of proportion
- Runs off to neighborhood fields alone
- Hits brother, rocks, yells, screams
- Kicks back of cart seat, opens door before cat is completely stopped. Jumps out – crosses bus lane w/o obeying rule to cross at crossing guard

**Summary and Conclusion:**

- Johnny was erroneously classified as Specific Learning Disabled in the second grade and he does not qualify as Specific Learning Disabled now.



Johnny did not show a discrepancy between his ability and academic skills as his second grade evaluation reported. Johnny’s Intelligence was erroneously overestimated and his academic skills erroneously underestimated in the second grade report by;

- a) Ignoring all but Johnny's lowest academic scores
- b) Selectively dismissing all but Johnny’s highest cognitive scores

- There is no evidence of a serious emotional condition supporting Emotionally Disturbed eligibility. Johnny had behavior related problems at school and home in the first grade. Since then he continues to have behavior related problems at home but has learned to behave himself at school.

Dr. Nitlap's diagnostic impressions were clinically based on the DSM-IV:

- I. 313.81 Oppositional Defiant Disorder
- II. V71.09 Learning Disabilities in multiple areas
- III. No contributing medical problem
- IV. 3 Moderate psychosocial stressors (sibling with autism)
- V. Current GAF – 50

Oppositional Defiant Disorder (ODD), as other behavior disorders, is not recognized as a special education eligible condition under California Code Title 5 section 3030(i). Although other states recognize Behavior Disorders as qualifying conditions, California excludes Behavior Disorders from eligibility as Emotionally Disturbed (ED).

Even if ODD was accepted as an eligibility condition under ED in California, Johnny still would not meet eligibility criteria for special education services due to the fact that his opposition and defiance at home is not occurring at school. Also, no serious emotional disturbance is evident as reported by Dr. Nitlap, the district reports, or by the school.

Dr. Nitlap's diagnosis of the DSM-IV "(V71.09) Learning Disabilities in multiple areas" is not recognized as an eligible condition for special education services unless it comports with California Code Title 5 section 3030(j). The assessment data demonstrates no evidence of a learning disability as defined by California Code Title 5 section 3030(j).

**Recommendation:**

A normalization process has occurred at the school to where Johnny is well liked and has no outstanding behavior or emotional problems. This is extremely significant in light of the defiance and opposition he demonstrates at home. Johnny openly, and shamelessly, defies and disrespects his mother, which puts him at risk for later problems. The more time Johnny practices relating well to others at school will tend to decrease the probability that he will develop behavior problems as he matures.

Psychologist's Signature: \_\_\_\_\_  
Douglas Dean, School Psychologist

I have received a copy of this report \_\_\_\_\_  
Parent signature Date