

October 2<sup>nd</sup>, 2020

The Honorable Judge  
Department XXX  
The Courthouse  
Lancaster, CA XXXXX

**Re: John Doe-Education Update**

Dear Judge:

Please accept this letter as an update regarding education advocacy for John Doe (“John”). At this time, Loyola Law School’s Juvenile Justice Clinic and Youth Justice Education Clinic (“YJEC”) represent John holistically in both juvenile and education matters. YJEC also works with John’s education rights holder, Ms. Doe, to advocate for John to receive the services and support he requires.

**I. John’s History of Special Education**

YJEC joined John’s advocacy team in October of 2019, and in order to identify potential special education needs, we obtained education records dating back to elementary school. John was found eligible for special education services in 5<sup>th</sup> grade in Arizona, but when he moved to California after 6<sup>th</sup> grade, the Elementary School District did not honor his IEP nor did they re-assess him for special education. After a review of these records, it was clear that John did not receive the services he needed in order to be successful in middle and high school, when he transferred to the High School District (“HSD”).

As a result, YJEC advocated for John to be assessed again for special education during the 2019-20 school year in order to provide him with the support he needs and help him achieve his goal of graduating from high school on time. In our request for assessments from HSD, YJEC cited John’s historical identification as a student with a specific learning disability (SLD), and his slow academic progress toward earning the credits required for high school graduation. John was assessed in January 2020, and a report was generated by HSD’s school psychologist, in February 2020.

**II. John’s Psycho-educational Assessment Results**

In the school psychologist’s report, John’s teachers described his good attitude in school and likeable personality, but they noted that John struggled to complete assignments on time. In particular John’s English teacher noted that John followed classroom rules, accepted responsibility for his own actions, was a cooperative and helpful member of the class, but demonstrated difficulty starting and completing assignments. John’s teachers noted that he struggled with efficiency in the general education setting.

Overall, these results in conjunction with John’s other psycho-educational tests, family history, developmental, health, and medical information led the school psychologist to find that John has a specific learning disability (SLD). SLD is one of the kinds of disabilities that qualify a student for special education services under the Individuals with Disabilities Education Act (IDEA). SLD is defined under federal law as “a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations.” 34 C.F.R. § 300.8(c)(10)(i); *see also* 20 U.S.C. § 1401(30). A learning disability means that while a student might be intelligent, they have a processing delay that causes them to significantly underperform academically. Learning disabilities, like John’s, can have a substantial impact on a student’s academic performance, and if left unaddressed, can manifest in frustration and school-avoidance.

In the February 2020 report, the school psychologist explained that John is eligible for special education services as a student with SLD due to his “crystalized knowledge and fluid reasoning processing deficits, which adversely impact his educational performance in the areas of basic reading skills, math calculation, math problem solving, and listening comprehension...John requires specialized academic instruction as well as accommodations in order to access the general education curriculum and receive educational benefit.”

Crystalized knowledge refers to student’s depth and breadth of general and cultural knowledge, verbal communication, and reasoning with previous learned procedures, whereas fluid reasoning refers to a student’s reasoning/problem solving ability particularly with unfamiliar information or novel tasks. John fell in the below average range in both of these categories, falling somewhere between the 5-10% percentile. These processing deficits cause John to perform significantly below grade level, with the standardized academic testing results showing John’s reading, writing, and math skills are at second-third grade levels. Performing so below his current grade level explains why John does so much better in his special day classes, where the reduced assignments and slower pace allow him the time he needs to process information. John is able to perform well in these classes and receive a benefit instead of falling behind in a general education setting.

### **III. John’s Progress with Special Education Services**

Following the report, two IEPs were held in February and March 2020 to discuss the results of the assessment and how the school can best accommodate John’s SLD. John was accessing 2 out of 4 classes in a special education setting in the Spring semester. John finished with impressive grades in his special education classes: an A- in world history and an A+ in English 10. Thus, John has shown significant improvement now that he is getting the special education support he needs from the High School.

The team held another IEP again in September 2020 to discuss John’s progress during the Covid-19 distance learning period. The team noted that John is still on track to graduate in

June 2021 under an AB 216 plan, which is a reduced graduation plan that allows qualifying students to graduate with 130 credits. However, John has been struggling with completing all of his assignments independently during distance learning, so the team has decided to switch one of his current general education classes to a special education class. This flexibility and extra support is exactly what a student with a learning disability like John needs. John also agreed to monthly counseling to help him work on his executive functioning skills, such as prioritizing, in order to help him complete more assignments on time. Due to John's processing deficits, he can get overwhelmed by his workload. The monthly counseling should help him address his anxiety and help him stay productive.

#### **IV. John's Educational Goals**

John is an intelligent, likeable, and well-spoken young man that is a great advocate for himself, but due to his learning disability, his academic skills are at the mid-elementary school level. For this reason, special education services will remain necessary to help him reach his potential and graduate from high school.

At this point, the High School, Ms. Doe, and John's legal advocates, are all working collectively to help him reach his goal of graduating in the Spring 2021. However, this would likely not be possible without John's special education eligibility of SLD. Should you have further questions, please do not hesitate to reach out to me.

Sincerely,



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