BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

SAN FRANCISCO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025100303

ORDER CONFIRMING ISSUES AT DUE PROCESS HEARING

APRIL 8, 2026

On March 27, 2026, Administrative Law Judge Deborah Myers-Cregar, Office of Administrative Hearings, convened a prehearing conference and on March 30, 2026, issued an Order Following Prehearing Conference for Hearing by Videoconference, setting forth the issues for the due process hearing. An Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

On April 1, 2026, Student filed a Pretrial Notice to Correct Misinformation and Amend Issues Stated in Judges Order Following Prehearing Conference. Student objected to the ALJ's refusal to add to the issues to be adjudicated at hearing Student's challenges to the appropriateness of the placement offers San Francsico Unified School District made during the statutory period. Student argued the Amended Complaint

contained sufficient allegations to put placement at issue, despite Student not including the appropriateness of the placement offers during the statutory period in Student's issues list of six specific violations of the Individuals with Disabilities Education Act. Student requested the due process hearing include the issue of whether San Francisco Unified School District denied Student a free appropriate public education by failing to offer appropriate placement during the two years before the complaint was filed. On April 2, 2026, San Francisco Unified School District filed a Response in Opposition to Student's Pretrial Notice.

On April 7, 2026, ALJ Kara Hatfield of OAH commenced the due process hearing by videoconference. Eric Menyuk and Sophia Bliziotis, Attorneys at Law, appeared on behalf of Student. Haley Fagan and Stephanie Adams, Attorneys at Law, appeared on behalf of San Francisco Unified School District. The due process hearing was recorded.

Based upon discussion with and agreement of the parties on the record on April 7, 2026, the ALJ clarified which issues Student withdrew, clarified the statement of the remaining issues for the due process hearing, and reorganized the issues as allowed by the holdings in *J.W. v. Fresno Unified School Dist*. (9th Cir. 2010) 626 F.3d 431, 442-443, and *Ford v. Long Beach Unified School Dist*. (9th Cir. 2002) 291 F.3d 1086, 1090. No change in substance has been made. On April 7, 2026, the ALJ reviewed the clarified and reorganized statement of the issues and the parties agreed on the record to the enumeration and statement of the issues listed below. Student preserved her objection to exclusion of the issue of whether San Francisco Unified School District denied Student a free appropriate public education by failing to offer appropriate placement during the two years before the complaint was filed.

This Order is issued to provide the parties written confirmation of the issues at the due process hearing, to facilitate their submission of written closing arguments.

ISSUES

A FAPE means free appropriate public education. An IEP is an individualized education program. "Offer" as used in this Order, generally includes the concept of providing; if something is not offered it is usually also not provided. However, "offer" does not include the failure of a school district to implement some element of an IEP. The issues remaining at the due process hearing, as alleged in Student's amended complaint and clarified by the parties and the ALJ at the start of the due process hearing, are:

1. Did San Francisco deny Student a FAPE by failing for the November 15, 2023 IEP to conduct or incorporate appropriate assessments, including a communication assessment or assistive technology assessment?
2. Did San Francisco deny Student a FAPE by failing at the November 15, 2023 IEP team meeting to include mandatory IEP team members with appropriate training or qualifications in deaf/blind education, tactile communication, or orientation and mobility during the IEP development process?
3. Did San Francisco deny Student a FAPE by failing in the November 15, 2023 IEP to offer necessary services, specifically:
    a. Deaf/blind intervention;
    b. Direct orientation and mobility services; or
    c. Tactile communication instruction?
4. Did San Francisco deny Student a FAPE by failing in the November 15, 2023 IEP to offer essential goals, services, supports, and

safety planning to ensure access to her classroom environment, curriculum, and peers?

5. Did San Francisco deny Student a FAPE by failing between November 15, 2023, and May 21, 2025, to conduct or incorporate appropriate assessments, including a communication assessment or assistive technology assessment?
6. Did San Francisco deny Student a FAPE by failing in the May 21, 2025 IEP to offer necessary services, specifically:
    a. Deaf/blind intervention;
    b. Direct orientation and mobility services; or
    c. Tactile communication instruction?
7. Did San Francisco deny Student a FAPE by failing in the May 21, 2025 IEP to offer essential goals, services, supports, and safety planning to ensure access to her classroom environment, curriculum, and peers?
8. Did San Francisco deny Student a FAPE by failing for the January 15, 2026 IEP to conduct or incorporate appropriate assessments, including a communication assessment or assistive technology assessment?
9. Did San Francisco deny Student a FAPE by failing at the January 15, 2026 IEP team meeting to include mandatory IEP team members with appropriate training or qualifications in deaf/blind education, tactile communication, or orientation and mobility during the IEP development process?
10. Did San Francisco deny Student a FAPE by failing in the January 15, 2026 IEP to offer necessary services, specifically:
    a. Deaf/blind intervention;
    b. Direct orientation and mobility services; or
    c. Tactile communication instruction?

11. Did San Francisco deny Student a FAPE by failing in the January 15, 2026 IEP to offer essential goals, services, supports, and safety planning to ensure access to her classroom environment, curriculum, and peers?

IT IS SO ORDERED.

Kara Hatfield

Kara Hatfield

Administrative Law Judge

Office of Administrative Hearings