BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

FREMONT UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2024020802

ORDER CLARIFYING ISSUES FOR HEARING

APRIL 18, 2024

On April 8 2024, Administrative Law Judge Judith Pasewark, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC. On April 9, 2024, OAH issued an Order Following Prehearing Conference.

Administrative Law Judge Laurie Gorsline held the due process hearing by videoconference beginning on April 16, 2024. Father appeared on behalf of Student. Melanie Larzul and Ankita Thakkar, Attorneys at Law, appeared on behalf of Fremont Union High School District.

At the outset of the hearing on April 16, 2024, and again on April 17, 2024, the parties had a discussion with the ALJ to clarify the issues for hearing.

Based upon the discussion with the parties, the ALJ issues the following order clarifying the issues at the due process hearing. A free appropriate education is called a FAPE. An individualized education program is called an IEP.

ISSUES

1. Did Fremont Union deny Student a FAPE by failing to conduct appropriate three-year review evaluations prior to the January 31, 2023 IEP team meeting, specifically:
    A. Failing to conduct an appropriate psychoeducational evaluation?
    B. Failing to conduct an occupational therapy evaluation prior to the January 31, 2023 IEP team meeting?
    C. Failing to conduct a speech and language evaluation prior to the January 31, 2023 IEP team meeting?
2. Did Fremont Union deny Student a FAPE by implementing the October 17, 2023 amendment to the January 31, 2023 IEP without parental consent?

3. Did Fremont Union deny Student a FAPE by denying parental participation in the IEP process at the January 30, 2024 IEP team meeting when it failed to discuss Student's progress on the January 31, 2023 IEP?

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings