BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. LOS ANGELES UNIFIED SCHOOL DISTRICT.	OAH Case No. 2015060909 ORDER GRANTING MOTION TO CLARIFY ISSUES FOR HEARING

On June 12, 2015, Parent on behalf of student filed a due process hearing request with the Office of Administrative Hearings. A prehearing conference was held on August 21, 2015. On that day, the ALJ issued an order following the prehearing conference which set out the issue for hearing. The ALJ has authority to redefine a party's issues, so long as no substantive changes are made. (*J.W. v. Fresno Unified School Dist*. (9th Cir. 2010) 626 F.3d 431, 442-443.) On August 27, 2015, Student filed a motion to clarify the issues to be heard. Oral argument on the motion was had before ALJ Chris Butchko on August 28, 2015..

Based upon the papers submitted and the argument presented, it is apparent that the statement of issues for hearing needs to be restated. The motion to clarify is granted. Accordingly, the Issues and Proposed Resolution section in the Order Following Prehearing Conference issued on August 21, 2015, is amended for Section 2 to read as follows:

> 2. Issues and Proposed Resolutions. The issues to be heard at the due process hearing are listed below:
>
> 1) Following Parent's request for an independent educational evaluation on April 7, 2015, did District fail to, without unnecessary delay, either file a due process complaint to show that its evaluation was appropriate or provide an independent educational evaluation at public expense?
> 2) If so, did District's failure deny Student a free and appropriate public education by significantly impeding Parent's opportunity to participate in the decision making process regarding Students education?
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> As remedies, Student seeks an order (i) finding District's assessment was inappropriate, (ii) requiring District to provide an IEE of Student in the area of speech and language at public expense, (iii) requiring District to hold an individualized education program team meeting within 30 days to review the IEE, and (iv) compensatory speech and language services for District having impeded Parent's opportunity to participate in the decision making process.

No changes are made to the schedule for hearing. All dates are to remain as set.

IT IS SO ORDERED.

DATE: August 31, 2015

/s/

CHRIS BUTCHKO
Administrative Law Judge
Office of Administrative Hearings