BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

LAGUNA BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025040200

ORDER REGARDING NOTICE OF NO ACTION ON STUDENT'S FILING OF EXHIBITS, ARGUMENT AND OTHER DOCUMENTS, AND ORDER REGARDING APPROPRIATE FILING OF WRITTEN ARGUMENT AND HEARING EXHIBITS

APRIL 29, 2025

On April 3, 2025, Student filed a Due Process Hearing Request, referred to as a complaint, with the Office of Administrative Hearings, naming Laguna Beach Unified School District, with seven enumerated claims and six proposed resolutions. The Office of Administrative Hearings is referred to as OAH.

On April 3, 2025, Laguna Beach Unified School District filed a notice of representation, acknowledging it had received a copy of Student's complaint.

ORDER REGARDING NOTICE OF NO ACTION

On the same day the complaint was filed, Student filed with OAH:

- a document entitled "Due Process Complaint - Opening Statement;"
- "Master Exhibit List;"
- "Exhibit List – Due Process Complaint;" and
- a document called "Settlement Timeline Summary; and
- Correspondence with proof of service called "Opening Statement-due process."

It is unclear why these five other documents were filed with OAH and OAH will not take action based on their filing.

These documents do not appear to be exhibits to the complaint or exhibits to any motion as there were no motions pending at that time, and no briefing had been ordered by OAH. All exhibits should be clearly labeled to identify to which document, motion or opposition they pertain.

A party should refrain from filing exhibit lists with OAH except as part of a party's prehearing conference statements which are due three business days before the prehearing conference, or as part of their electronic upload of documents into Case Center at least five business days before the first day of hearing. See Scheduling Order Setting Telephonic Prehearing Conference and Due Process Hearing and Order Setting Procedures for Filing Exhibits Electronically.

OAH does not consider these five documents to be part of Student's complaint. A complaint must include in a single document all a party's claims, allegations and resolutions. Other than filing a notice of dismissal or withdrawal of claims, a party

cannot add, supplement or change allegations, claims or resolutions being asserted against another party in a complaint through piecemeal or separate filings. Instead, a party must file a motion seeking permission from OAH to amend their complaint. The party seeking permission to amend their complaint must include with that motion, a proposed amended complaint which contains all the claims, allegations and resolutions being asserted against the other party in a single document.

Opening statements should not be filed with OAH. The parties will be permitted to make an opening statement at the hearing. Moreover, a party should refrain from filing written argument in support of their case except when it is part of a motion or opposition to a motion, or when OAH has ordered the parties to file written argument. Written argument filed by a party which does not clearly pertain to a pending motion, opposition or which has not been ordered by OAH will not be considered by OAH.

On April 15, 2025, Student filed a Response to District's Motion to Dismiss. There was no proof of service that the document had been served on District. With the sole exception of Participant Information Forms, every document filed with OAH must have a proof of service attached to it or a proof of service must be filed with it. The proof of service must demonstrate that the document filed with OAH was served on the opposing party, using the same title of the document filed. OAH will not consider documents without a proof of service. OAH will not take any action based on the filing of this document and will not consider it.

On April 15 2025, Student filed with OAH a Formal Cancellation and Objection to Resolution Meeting without a proof of service. OAH will not take any action based on the filing of this document and will not consider it.

On April 15 2025, Student filed with OAH a document entitled Response to District Motion to Dismiss location: telephonic/video hearing without a proof of service. OAH will not take any action based on the filing of this document and OAH will not consider it.

On April 15, 2025, Student filed an Opening Statement without a proof of service. Opening statements should not be filed with OAH. The parties will be permitted to make an opening statement at the hearing. To the extent this is argument, the filing was improper because there was no motion pending and no briefing had been ordered by OAH. Therefore, OAH will take no action on the filing of this document, and it will not be considered by OAH.

On April 15, 2025, Student filed multiple exhibits with OAH without a proof of service on District. It is unclear what these are the exhibits are related to because they are not labeled as pertaining to any specific document. It is improper to file hearing exhibits with OAH. They should be uploaded into Case Center when the parties are given access to Case Center for use during the hearing. OAH will take no action based upon the filing of these documents and will not consider them.

On April 16, 2025, Student filed an Opening Statement with an incomplete proof of service. Another proof of service was filed that day. Opening statements should not be filed with OAH. The parties will be permitted to make an opening statement at the hearing. To the extent this is argument, this filing was improper because there is no motion pending and no briefing had been ordered by OAH. Therefore, OAH will take no action on the filing of this document, and it will not be considered by OAH.

On April 16, 2025, at 10:21 PM, Student submitted a 177-document entitled "Due Process Complaint- Denial of FAPE, Procedural Violations and IEE Violations." This

document contained five enumerated claims, but the right side of the document was cut-off, so the text of all stated claims was not visible. The attached proof of service signed by Parent states that it was served by email on District's attorney on April 15, 2025. To the extent Student intended to supplement the complaint with these additional allegations, it appears to have been superseded by the subsequent filing on April 18, 2025, which OAH deems to be a request for leave to amend. See Order Granting Motion to Amend Complaint. Accordingly, OAH will take no action based on the April 16, 2025 filing and will not consider it.

On April 17, 2025, at 1:19 AM, Student re-submitted with OAH, the same 177-page document with the same deficiencies. OAH will take no action based on its filing and will not consider it.

On April 17, 2025, Parent filed three letters from District's attorney. It is unclear why these documents were filed and none of them contain a proof of service. It is unclear what these are the exhibits to because they are not labeled as pertaining to any specific document. It is improper to file hearing exhibits with OAH, and OAH will take no action based upon the filing and will not consider them.

On April 17, 2025, Student filed a document which is a letter to the ALJ with exhibits, totaling 66 pages, which the attached proof of service calls "Educational Deprivations, Flawed Assessments, and Procedural Violation." It appears Student was intending to supplement the complaint with these additional allegations and exhibits. To the extent Student intended to supplement the complaint with these additional allegations, it appears to have been superseded by the subsequent filing on April 18, 2025 which OAH deems to be a request for leave to amend. See Order Granting Motion to Amend Complaint. To the extent this document was intended as argument, it was improper to file it because OAH had ordered no briefing, and it was not labeled as

pertaining to a motion or opposition. OAH will take no action based on its filing and will not consider it.

On April 18, 2025, Student filed a document entitled "Submission of Parent's Interim Placement Request Dated April 17, 2025." It appears Student was intending to supplement the original complaint with these additional allegations/resolutions. To the extent Student intends to supplement the complaint, Student must seek leave to amend the complaint from OAH, and the operative complaint should contain all the claims in one single document. To the extent this document is merely argument to support Student's claims, it was improperly filed because OAH had ordered no briefing, and it was not labeled as pertaining to a particular motion or opposition. OAH will take no action based upon its filing and will not consider it.

On April 18, 2025, Student filed photographs with OAH. Student did not submit a proof of service. It is unclear why these photographs were filed with OAH. They are not labeled as pertaining to any specific document and hearing exhibits should not be filed with OAH, but rather, uploaded into Case Center at least five business days prior to hearing. See Order Setting Procedures for Filing Exhibits Electronically. OAH will take no action based upon their filing and will not consider them.

On April 19, 2025, Student filed a document entitled "EXHIBIT - RETALIATION REGARDING SPEECH AND LANGUAGE AND SERVICE DOG" which included argument and exhibits. It is unclear why this document was filed with OAH. To the extent Student intends to supplement the complaint, Student must seek leave to amend the complaint and submit a new proposed amended complaint which contains all the claims in one single document. It was improperly filed because it was not labeled as pertaining to any specific document, motion or opposition and OAH ordered no briefing. To the extent this document was intended as a hearing exhibit, hearing exhibits or evidence should

not be filed with OAH, but rather, uploaded into Case Center. See Order Setting Procedures for Filing Exhibits Electronically. OAH will take no action based upon the filing of this document and will not consider it.

On April 19, 2025, Student filed a document entitled, "Formal Response to April 18, 2025 Prior Written Notice" which included argument and exhibits. It is unclear why this document was filed with OAH. It does not pertain to any pending motion or opposition and OAH ordered no briefing. Hearing exhibits or evidence should not be filed with OAH, but rather, uploaded into Case Center. OAH will take no action based upon the filing of this document and will not consider it.

On April 19, 2025, Student filed a document entitled "District Retaliation and Procedural Violations – Irene White Email." To the extent Student intended to supplement the complaint with the information in this document and the exhibits attached it, Student must seek leave to amend the complaint and submit a new proposed amended complaint which contains all Student's claims in one single document. To the extent this document was intended as argument, it was improperly filed because it was not labeled as pertaining to any specific document, motion or opposition and OAH ordered no briefing. Again, hearing exhibits or evidence should not be filed with OAH, but rather, uploaded into Case Center. See Order Setting Procedures for Filing Exhibits Electronically. OAH will take no action based upon the filing of this document and will not consider it.

On April 19, 2025, Student filed a document entitled "Formal Complaint to regarding May 2023 Triennial Evaluation and Procedural Violations" with exhibits. However, the proof of service states that the only document served was the "Exhibit Lee Medical Issues During 2023 Evaluation." To the extent Student intended to supplement the complaint with the information in and exhibits attached to this document, Student

must seek leave to amend the complaint and submit a new proposed amended complaint which contains all Student's claims in one single document. To the extent this document was intended as argument, it was improperly filed because it was not labeled as pertaining to any specific document, motion or opposition brief and OAH ordered no briefing. Again, hearing exhibits or evidence should not be filed with OAH, but rather, uploaded into Case Center. See Order Setting Procedures for Filing Exhibits Electronically. OAH will take no action based upon the filing of this document and will not consider it.

On April 21, 2025, Student filed a copy of a letter from District with a proof of service. Hearing exhibits or evidence should not be filed with OAH, but rather, uploaded into Case Center. OAH will take no action based upon the filing of this document and will not consider it.

On April 22, 2025, Student filed three documents, two called exhibits which both appear to be written argument with attached exhibits (called Impact of Stress and Inappropriate School Placement on Autistic Children and Why Goals Have Caused Regression/Misalignment between Goals and Functional Skill Level). The third document is called Formal Objection to Suspension of Services, Coercion to Homeschool, Response to April 18, 2025 Prior Written Notice. It is unclear why these three documents were filed with OAH. Student does not identify any document to which the exhibits pertain, and hearing evidence should be uploaded into Case Center, not filed with OAH. To the extent Student intended these documents to supplement the complaint, Student did not seek permission to amend the complaint. To the extent this is written argument to support Student's claims, it was improper to file it with OAH because OAH has ordered no briefing. Nor has Student identified any of these

documents as either a motion or an opposition. OAH will take no action based upon the filing of these documents and will not consider them.

On April 23, 2025, Student filed multiple documents with OAH which purport to be evidence in support of Student's claims, including work samples, emails, text messages, letters and medical evidence supporting Student's educational needs. Hearing exhibits or evidence should not be filed with OAH, but rather, uploaded into Case Center. OAH will take no action based upon the filing of this document and will not consider them.

On April 23, 2025, Student filed a notice of Withdrawal from Mediation. OAH has not scheduled a mediation in this case and there has been no formal request by either party to schedule a mediation. Accordingly, OAH will not take any action based upon the filing of this document.

On April 24, 2025, Student filed numerous documents with OAH across six filings, including but not limited to a letter, multiple hearing exhibits and written argument. OAH will take no action based on the filing of any of these documents and will not consider them. Hearing exhibits or evidence should not be filed with OAH, but rather, uploaded into Case Center. OAH has ordered no briefing and as such, any briefing at this point is premature. None of these documents appear to pertain to any pending motion or opposition.

On April 25, 2025. Student filed a document entitled "Exhibit 3 - Eligibility Evaluation: Ineligibility for Intellectual Disability," with exhibits attached to it. Hearing exhibits or evidence should not be filed with OAH, but rather, uploaded into Case Center. OAH has ordered no briefing and as such, any briefing at this point is premature. None of these documents appear to pertain to any pending motion or

opposition. Accordingly, OAH will take no action based on the filing of any of these documents and will not consider them.

On April 28, 2025, Student filed a 58-page document entitled "Formal Response to April 25, 2025 Prior Written Notice" with attachments. OAH has ordered no briefing and as such, any briefing at this point is premature. None of these documents appear to pertain to any pending motion or opposition. Hearing exhibits or evidence should not be filed with OAH, but rather, uploaded into Case Center. OAH will take no action based on the filing of any of these documents and will not consider them.

On April 28, 2025, Student made several other filings with OAH:

- Statement Regarding Retaliatory Use of Private Investigator and Mischaracterization of Parent Complaints, with exhibits;
- Introductory Statement for Exhibit with exhibits;
- Failure to Provide Equal Access to Nonacademic and Extracurricular Programs Resulting in Social Isolation;
- Exhibit 10: Parent Email Regarding Lee's Auditory and Visual Processing;
- Formal Rebuttal Response for OAH Filing, with exhibits;
- Request for Clarification Regarding April 28, 2025 Cease and Desist Letter with exhibit; and
- Denial of Parental Participation in Speech Therapy – October 2023, with exhibits.

On April 29, 2025, Student also filed:

- Summary of Violations Against Lee; and
- Evidence: District Admission of Invalid Agreement/Formal Response Regarding Disputed Settlement Agreements with exhibits

OAH will take no action based on the filing of any of these documents and will not consider them. Hearing exhibits or evidence should not be filed with OAH, but rather, uploaded into Case Center. OAH has ordered no briefing and as such, any briefing at this point on the merits of the claims is premature. Moreover, none of these documents appear to pertain to any pending motion or opposition and have not been properly labeled as pertaining to any pending motion or opposition.

MOTION FOR STAY PUT

On April 29, 2025, Student filed a document entitled, "Formal Objection to Placement and Demand for Compliance with IDEA." OAH interprets this as a motion for stay put. This motion will be addressed by separate order after District's three-day deadline to respond to the motion has expired.

ORDER REGARDING APPROPRIATE FILING OF WRITTEN ARGUMENT AND HEARING EVIDENCE

To ensure an orderly and efficient process, OAH deems it necessary to make the following additional orders. Student is ordered to refrain from filing any further written argument with OAH except in the following circumstances:

- OAH orders written briefing from Student or OAH has given Student permission to file written argument; or
- Student has filed a prehearing motion with OAH and Student's written argument is filed in support of such motion, which shall be labeled as such; or
- Student written argument is filed in opposition to a motion filed by District, which shall be labeled as such.

Student is ordered to refrain from filing any further hearing evidence or hearing exhibits with OAH, and to instead file/upload in Case Center, any evidence Student wants OAH to consider at hearing, after Student has been given access to Case Center, except in the following circumstances:

- The evidence or exhibit are part of Student's written briefing which briefing OAH has ordered, or given Student permission to file, which shall clearly be labeled as such; or
- The evidence is filed as support for Student's prehearing motion or opposition, which shall clearly identify the motion or opposition it supports.

All documents filed by the parties must have a proof of service reflecting the date and method of service, service on the opposing party, and the full title of the document served.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings