BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

VENTURE ACADEMY FAMILY OF SCHOOLS,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2024020488

ORDER CONFIRMING ISSUES AT DUE PROCESS HEARING

APRIL 15, 2024

On March 29, 2024, Administrative Law Judge Alexa Hohensee, Office of Administrative Hearings, convened a prehearing conference and 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. The Order Following Prehearing Conference required any party who asserted the Order did not reflect the party's understanding of the issues as clarified at the PHC to immediately file a written objection. Neither party filed any objection.

On April 10, 2024, ALJ Kara Hatfield of OAH commenced the due process hearing by videoconference. Marcy Gutierrez, Attorney at Law, appeared on behalf of Venture Academy Family of Schools. Despite notice and the opportunity to appear and be

heard, Parents on behalf of Student failed to appear on all days of the due process hearing. The due process hearing was recorded.

On the record on April 10, 2024, based upon discussion with and agreement of Venture Academy, as the complaining party, the ALJ clarified the statement of the issues for the due process hearing, 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. The ALJ reviewed the clarified statement of the issues and Venture Academy agreed on the record to the statement of the issues listed below.

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, which are due by 4:00 PM on Monday April 29, 2024.

ISSUES

A FAPE means free appropriate public education. An IEP is an individualized education program. The issues at the due process hearing, as alleged in Venture Academy's complaint, and clarified by Venture Academy and the ALJ at the start of the due process hearing, are:

1. May Venture Academy assess Student pursuant to the November 1, 2023, assessment plan without Parents' consent?

2. Does the February 27, 2023, IEP, as amended on November 29, 2023, offer Student a FAPE such that Venture Academy may implement it without Parents' consent?

IT IS SO ORDERED.

Kara Hatfield

Kara Hatfield

Administrative Law Judge

Office of Administrative Hearings