BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PACIFICA SCHOOL DISTRICT.

OAH CASE NUMBER 2025080669

ORDER GRANTING STUDENT'S MOTION FOR RECONSIDERATION AND CORRECTION OF THE ISSUES AND DENYING PACIFICA'S MOTION FOR RECONSIDERATION AND CORRECTION OF THE ISSUES

NOVEMBER 10, 2025

On November 3, 2025, Administrative Law Judge Christine Arden held a prehearing conference, called a PHC, by videoconference. Attorney Kristen Springer appeared on behalf of Student. Attorneys Kathryn Meola and Jeffrey Vasquez appeared on behalf of Pacifica School District, called Pacifica. The PHC was recorded. On November 3, 2025, the ALJ issued an Order Following Prehearing Conference, based upon discussion with the parties.

On November 5, 2025, Student filed a Motion for Reconsideration and Correction of the Issues. Student seeks to include a sub-issue alleging Pacifica's failure to offer extended school year in the February 14, 2025 IEP denied Student a FAPE. Student contends this issue was sufficiently plead in her complaint.

On November 6, 2025, Pacifica filed a Motion for Reconsideration and Correction of the Issues. Pacifica seeks to exclude Issue 1C alleging Pacifica's failure to offer a one-to-one aide in the February 14, 2025 IEP denied Student a FAPE. Pacifica contends Student did not allege a failure to provide a one-to-one aide in her complaint and, therefore, did not provide Pacifica adequate notice of this issue. In this motion, Pacifica also agreed Student alleged a failure to offer extended school year as an issue in her complaint and did not oppose Student's motion.

On November 6, 2025, Student filed an opposition to Pacifica's motion to exclude Issue 1C. Student argues that Pacifica failed to raise an objection to Issue 1C at the PHC. Moreover, Student contends she clearly alleged in her complaint that necessary additional classroom support for Student was not offered in the February 14, 2025 IEP, and Pacifica, therefore, had notice of the issue.

A due process complaint must provide a description of the nature of the problem of the child relating to the proposed initiation or change, including facts relating to the problem. (Ed. Code, § 56502, subd. (c)(1)(C).) The complaint must sufficiently place the opposing party on notice of the problems stated and resolutions requested. (Ed. Code, § 56502, subd. (d)(1).) The complaining party must inform the other parties, at least ten days before the due process hearing, as to what that party believes are the issues to be decided at the hearing and their proposed resolution of those issues. (Ed. Code, § 56505, subd. (e)(6).)

An ALJ has the 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.)

OAH will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time, generally within ten days. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

Student sufficiently plead Pacifica's failure to offer extended school year on page 10, lines 25 through 26, and page 13, lines 20 through 21, of her complaint. Student's motion for reconsideration was unopposed. Accordingly, Student's motion to include a failure to offer extended school year as a sub-issue in this case is granted.

At the November 3, 2025 PHC, the parties discussed the issues Student intended to bring to hearing. During the PHC, the ALJ clarified whether the additional adult support in the classroom needed, but not offered in the February 14, 2025 IEP was a one-to-one aide. Student's counsel confirmed it was. Pacifica's counsel did not object to such clarification. Student raises Pacifica's failure to offer adult support, clarified at the PHC specifically as consisting of a one-to-one aide, in the February 14, 2025 IEP, on page 10, line 22, and page 15, lines 25 through 26, of her complaint. Additionally, Student references a need for adult support throughout the complaint. Student sufficiently pled sub-issue 1C and Pacifica had notice of the issue. Accordingly, Pacifica's motion to exclude sub-issue 1C is denied.

On reconsideration, the issues for hearing are as follows:

1. Did Pacifica deny Student a FAPE in the IEP dated February 14, 2025, by failing to offer:
    a. an appropriate placement in a more restrictive environment than was offered;
    b. appropriate specialized academic instruction;
    c. services of a one-to-one aide in the classroom; and
    d. extended school year?

IT IS SO ORDERED.

Christine Arden

Christine Arden

Administrative Law Judge

Office of Administrative Hearings