BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

V.

SAUGUS UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2021040751

ORDER CLARIFYING ISSUES AT HEARING

JULY 26, 2021

On June 4, 2021, Administrative Law Judge Robert Martin, 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 June 8, 2021, OAH issued an Order Following Prehearing Conference. On June 11, 2021, OAH rescheduled the hearing to begin on July 20, 2021.

Administrative Law Judge Laurie Gorsline held the due process hearing by videoconference beginning on July 20, 2021. Coleman Alguire appeared on behalf of Student. Sundee Johnson, Attorney at Law, appeared on behalf of Saugus Union School District. At the outset of the hearing on July 20, and then again on July 22, 2021, the parties had a discussion to clarify the issues for hearing. Based upon the discussion with

the parties, the ALJ issues the following order which clarifies the issues at the due process hearing:

ISSUES

The issues at the due process hearing are:

1. Did Saugus Union School District deny Student a free appropriate public education, called a FAPE, from the March 2020 school closure until the end of the 2019-2020 regular school year by:
    a) failing to offer or implement the services in the individualized education programs, called IEPs, in-person, face-to-face?
    b) failing to implement the accommodations in the IEPs in-person, face-to-face?
    c) failing to develop adequate and appropriately written goals for Student for a distance learning setting, specifically,
        i) for the period between the March 2020 school closure and the May 2020 IEP?
        ii) in the May 2020 IEP, or any amendments?
2. Did Saugus Union deny Student a FAPE from the start of the 2020-2021 school year to the filing of the due process complaint by:
    a. failing to offer or implement the services in the IEP, in person, face-to-face?
    b) failing to implement the accommodations in the IEP, in-person, face-to-face?
3. Did Saugus Union deny Student a FAPE developing Student's May 2020 IEP by:

a) failing to conduct any formal assessment of Student before the IEP team meeting on May 4, 2020?
b) failing to adequately determine Student's presents levels of performance and progress toward his goals;
c) failing to adequately evaluate the effect of remote learning on Student's educational program before the May 4, 2020 IEP team meeting?
d) failing to offer a one-to-one aide in the May 2020 IEP?
e) failing to offer adequate and appropriately written goals in the May 2020 IEP?

4. Did Saugus Union deny Student a FAPE by failing to address Student's regression resulting from Student being assigned to distance learning from March 2020 until the filing of the due process complaint?
5. Through the filing of the due process complaint, did Saugus Union deny Student a FAPE by failing to implement adequate speech and language and specialized academic instruction required by the May 4, 2020 IEP or any amendments?

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings