BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

MT. DIABLO UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2023010234

OAH CASE NUMBER 2022120477

ORDER RESTATING ISSUES FOR PHASE TWO OF HEARING

MARCH 27, 2023

Pursuant to the order made on the record by the Administrative Law Judge on March 22, 2023 at the conclusion of Phase One of the hearing of these consolidated matters, the issues for Phase Two of the hearing of this matter are as follows:

STUDENT'S ISSUES

1. Did Mount Diablo Unified School District deny Student a free appropriate public education during the during the 2022-2023 school year, from September 2, 2022 to the filing of Student's due process hearing request on January 10, 2023, by:

a. Failing to consider, revise Student's individualized education program, called an IEP, and implement the recommendations from Student's March 2022 feeding evaluation?

b. Failing to consider, revise Student's IEP, and implement the recommendations from Student's April 2022 neuropsychological evaluation?

c. Failing to consider, revise Student's IEP, and implement the recommendations from Student's May 2022 occupational therapy evaluation?

d. Failing to assess Student in all areas of need before Student entered Mount Diablo in August 2022?

e. Failing to offer Student a revised reading goal at Student's May 2022 IEP team meetings?

f. Failing to offer Student revised writing goals in writing endurance, anchoring, and sizing at Student's May 2022 IEP team meetings?

g. Failing to offer Student a revised math goal at the May 2022 IEP team meetings?

h. Failing to provide some educational benefit to Student in reading, writing, and math?

i. Predetermining Mt. Diablo's May 2022 offer of supports and services for Student?

j. Failing to have all required IEP team members present at Student's May 2022 IEP team meetings?

k. Impeding Parent's right to participate in the May 18, 2022 IEP meeting by predetermining the IEP offer and failing to consider Student's evaluations?

l. Failing to implement Student's October 2021 IEP when it failed to have a one-to-one aide in close proximity to Student on October 25, 2022?

m. Failing to offer Student appropriate goals in all areas of need at Student's November 2022 IEP?

n. Failing to revise Student's IEP to address Student's need for heated food?

o. Failing to implement Student's October 2021 and November 2022 IEP's related to permitting weekly video for Parent and the feeding provider?

p. Failing to implement Student's October 2021 and November 2022 IEP's related to parent meetings?

q. Failing to implement Student's October 2021 and November 2022 IEP's by failing to allow a paraprofessional to attend the parent meetings?

r. Failing to provide Parent progress reports in quarter one of Student's 2022-2023 school year?

s. Impeding Parent's right to participate in the IEP decision-making process by failing to provide weekly notes and allow observations more than once per month so that Parent could review and revise?

MT. DIABLO'S ISSUES

1. Can Mount Diablo assess Student under its November 4, 2022 assessment plan without Parent's consent?
2. Can Mount Diablo speak to Student's medical doctors and private providers, without Parent's consent?

IT IS SO ORDERED.



Robert G. Martin

Administrative Law Judge

Office of Administrative Hearings