BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

AND

OJAI UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2025070206

OAH CASE NUMBER 2025070706

ORDER CLARIFYING ISSUES AT HEARING

OCTOBER 16, 2025

On October 6, 2025, Student filed a motion to clarify Issues 2, 4, and 7 of the September 26, 2025 Order Following Prehearing Conference, called the Order, seeking to:

1. add transition services as subsection d to Issue 2 in the Order;
2. substituting placement for specialized academic instruction under Issue 4a in the Order; and
3. withdrawing Issue 7b in the Order.

On the same day, Ojai filed an opposition to Student's motion for clarification. Ojai argued Student sought not to clarify the issues in the Order but to untimely amend

the issues and expand the scope of the hearing without filing a motion to amend. Ojai also argued Student sought to improperly revise the issues after Administrative Law Judge Rommel Cruz discussed, clarified, and finalized the issues for hearing at the September 26, 2025 Prehearing Conference. Administrative Law Judge is called an ALJ. A prehearing conference is called a PHC.

On October 7, 2025, the first day of hearing, Student withdrew issues 4a and 7b in the Order. However, Student argued he should be able to add transition services as an additional sub-issue under Issue 2 of the Order. Student argued that the addition of transition services was a clarification of the September 26, 2025 PHC discussion and the Order, and not an additional issue requiring an amendment to the complaint.

Under the framework of the Individuals with Disabilities Education Act, referred to as the IDEA, a complaint need only allege enough information to provide "an awareness and understanding of the issues forming the basis of the complaint." (See H.R. Rep. No. 108-77, 1st Sess. (2003), p. 115; Sen. Rep. No. 108-185, 1st Sess. (2003), pp. 34-35.). An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or when the hearing officer grants permission. The hearing officer may grant permission at any time more than five days before the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(ii).)

OAH's hearings are governed by portions of the California Administrative Procedures Act which provides that the ALJ shall preside at the hearing, and rule on the admission and exclusion of evidence. (Cal. Administrative Procedures Act, tit. 2, §§ 11511.5, subd. (b) and 11512, subd. (b).) OAH informed the parties in the beginning of each case that they are required to include a concise statement of the issues raised in

the complaint in their PHC statements and clarify and discuss with an ALJ the hearing issues, witness schedules, and other prehearing matters at the PHC. (Cal. Administrative Procedures Act, tit. 2,, §11511.5(a)(b).) The ALJ has discretion to limit the number of witnesses and the time allowed for testimony and sets a reasonable limit on the length of the hearing after consideration of:

1. the issues to be heard;
2. the complexity of facts to be proven;
3. the ability of the parties or their representatives to present their respective cases; and
4. the parties' estimates of the time needed to present their cases.

(Ed. Code, § 56505.1, subdivision (h).)

A party to OAH hearings are afforded rights consistent with state and federal statutes and regulations which include the right to receive from other parties to the hearing, at least five business days before the first day of hearing, a copy of all documents and a list of all witnesses and their general area of testimony that the parties intend to present at the hearing. (Ed. Code, § 56505, subdivision (e)(7).) Special education law also provides that any exhibit not timely exchanged under Education Code section 56505, subdivision (e)(7), shall not be admitted into evidence, except for rebuttal, impeachment or an ALJ otherwise rules it is admissible. (Ed. Code, § 56505, subdivision (e)(8).)

STUDENT'S REQUEST TO ADD TRANSITION SERVICES AS AN ISSUE THE DAY BEFORE HEARING WITHOUT OJAI'S CONSENT IS DENIED

At hearing, Student's attorney Joshua Cruz confirmed he did not include transition services in the due process complaint, the PHC statement, or inform ALJ Cruz

at the September 26, 2025 PHC that transition services was an issue for hearing. In Student's PHC statement, Attorney Cruz stated only generally that Ojai failed to offer Student appropriate individualized education program, called an IEP, services and placement in the 2024-2025 school year. At the September 26, 2025 PHC, when ALJ Cruz asked Attorney Cruz to clarify which IEP services Ojai failed to appropriately offer Student during the 2024-2025 school year, Attorney Cruz confirmed they were counseling services, home hospital instruction, and placement.

On the first day of hearing, Attorney Cruz argued that based on OAH's minimal pleading requirements, he was not required to specifically plead Ojai failed to offer appropriate transition services during the 2024-2025 school year as an issue in the complaint. When the undersigned ALJ asked Attorney Cruz why he did not include transition services in Student's PHC statement or inform ALJ Cruz during the September 26, 2025 PHC that transition services were at issue, Attorney Cruz stated he did not wish to reveal too much of Student's case and believed he could add issues or amend according to proof based on the evidence revealed in hearing because there was no discovery in special education proceedings.

Clarity of issues is essential for an ALJ to preside over OAH hearings including ruling on objections, limiting the number of witnesses and the time allowed for testimony, and setting a reasonable limit on the length of the hearing. (See Ed. Code, § 56505.1, subdivision (h).) While under the IDEA, parties only needed to include facts about the problem and proposed resolutions to the extent known and available to parties at the pleadings stage, by the time parties are required to file PHC statements, OAH requires the parties to include a concise statement of the issues raised in the complaint in their PHC statements and clarify and discuss with an ALJ at the PHC the hearing issues. (See 20 U.S.C. § 1415(b)(7)(A)(ii)(III) & (IV) and Cal. Administrative

Procedures Act, tit. 2, § 11511.5(a)(b).) Additional issues not pled in the original complaint may be added by amendment to the complaint or consent of the other party. (*Id.*)

Student elected to broadly plead his complaint as permitted under the IDEA. Student did not include, and Attorney Cruz could not identify, allegations of free appropriate public education, called a FAPE, denials regarding transition services. Student could amend his complaint up to five business days before the first day of hearing but did not. Student did not give Ojai the notice required under the IDEA of the transition services claim until the day before hearing. Student's arguments regarding amendments according to proof based on the evidence revealed in hearing were inapplicable because Ojai explicitly denied consent for Student to untimely add transition services before the hearing started. Therefore, Student is precluded from adding the issue of whether Ojai denied Student a FAPE during the 2024-2025 school year by failing to offer appropriate transition services under Issue 2 of the Order.

STUDENT'S REQUEST TO ADD FAILURE TO GIVE PRIOR WRITTEN NOTICE IN RESPONSE TO PARENT'S INDEPENDENT EDUCATIONAL EVALUATION REQUEST AS AN ISSUE WITHOUT OJAI'S CONSENT DURING HEARING IS DENIED

To rule on objections at hearing including for relevance, on October 8, 2025, the undersigned ALJ sought clarification under Issue 5 of the Order regarding Ojai's failure to give cogent responses to Parent's requests. Attorney Cruz represented Issue 5 included Ojai's failure to give cogent responses regarding:

a. drivers' training at the November 6, 2024 IEP team meeting;

b. nonpublic school placement at the December 17, 2024, March 5, 2025, and July 7, 2025 IEP team meetings;
c. enrolling Student in a ceramics class at the December 17, 2024 IEP team meeting; and
d. Ojai's failure to give prior written notice to Parents' request for an independent educational evaluation at the December 17, 2024 IEP team meeting.

Ojai did not object to sub-issues a through c as clarification under Issue 5, but objected to the addition of sub-issue d. Ojai argued sub-issue d was a new issue which Student did not include in the complaint.

Sub-issues a through c above were considered clarifications to Issue 5 of the Order regarding whether Ojai denied Student a FAPE during the 2024-2025 school year by significantly impeding Parents' participation by failing to provide cogent responses to Parents' questions at IEP team meetings. However, sub-section d regarding whether Ojai failed to provide prior written notice is an additional issue and beyond clarification of what cogent responses Ojai failed to provide in denying parental participation under Issue 5 of the Order.

Student did not include, and Attorney Cruz could not identify, allegations regarding Ojai's failure to give prior written notice to Parents regarding an independent educational evaluation in the complaint. Student did not timely amend his complaint up to five business days before the first day of hearing to include allegations regarding Ojai's failure to give prior written notice for a parental independent educational evaluation request. Student did not give Ojai the notice required under the IDEA to have the prior written notice issue heard at hearing. Ojai did not consent, but specifically objected to adding this new issue at hearing. Therefore, Student is

precluded from adding the issue of whether Ojai denied Student a FAPE during the 2024-2025 school year by failing to provide cogent responses to Parents' questions at IEP team meetings by not giving prior written notice under Issue 5 of the Order.

COMPULSORY JOINDER OF CLAIMS ARE NOT REQUIRED UNDER SPECIAL EDUCATION LAW

Attorney Cruz argued he did not wish to reveal too much of Student's case as a reason for not including or disclosing the concise issues regarding transition services and prior written notice claims discussed above. However, such explanation was not persuasive to circumvent the IDEA's framework and the relative informality of the due process hearings regarding notice of issues in the complaint, concise statement of issues in the PHC statement, and discussion and clarification of issues with ALJ Cruz at the PHC.

Attorney Cruz's arguments regarding adding issues according to proof at hearing because discovery is not permitted in special education was also unpersuasive. Although discovery is not permitted in special education proceedings as it is in civil courts, special education law has its own framework which requires the parties to exchange exhibits five business days before the first day of hearing or be precluded from using those exhibits, except under limited circumstances. (See Ed. Code § 56505, subdivision (e)(7) and (8).)

Unlike in civil courts, special education law does not require compulsory joinder of claims. This means Student is not precluded from filing a new complaint to have OAH decide the issues that are not part of this hearing or the issues Student discovers in this hearing. Should Student file a new complaint, the parties would be provided the opportunity to resolve the new issues in the complaint through a resolution session in a

manner consistent with the legislative and regulatory framework of special education law.

Accordingly, the issues in this consolidated matter as clarified at hearing are:

STUDENT'S ISSUES

1. Did Ojai deny Student a FAPE during the 2024-2025 school year by failing to assess Student for:
   a. speech and language; and
   b. educationally related mental health services?
2. Did Ojai deny Student a FAPE during the 2024-2025 school year by failing to offer appropriate:
   a. counseling services;
   b. home hospital instruction; and
   c. placement?
3. Did Ojai deny Student a FAPE during the 2024-2025 school year by failing to materially implement:
   a. counseling services; and
   b. home hospital instruction?
4. Did Ojai deny Student a FAPE during the 2024-2025 school year by predetermining:
   a. counseling; and
   b. home-hospital instruction?
5. Did Ojai deny Student a FAPE during the 2024-2025 school year by significantly impeding Parents' participation by failing to provide cogent responses to Parents' questions at IEP team meetings, specifically:
   a. drivers' training at the November 6, 2024 IEP team meeting;

b. nonpublic school placement at the December 17, 2024, March 5, 2025, and July 7, 2025 IEP team meetings; and

c. enrolling Student in a ceramics class at the December 17, 2024 IEP team meeting?

6. Did Ojai deny Student a FAPE during the 2024-2025 school year by failing to make a clear offer of FAPE, specifically for:

   a. specialized academic instruction; and

   b. counseling services?

7. Did Ojai deny Student a FAPE during the 2024-2025 school year by offering vague IEP goals that lacked clear baselines in social-emotional functioning?

OJAI'S ISSUE

8. May Ojai assess Student pursuant to the May 6, 2025 assessment plan in all areas set forth in the plan, without parental consent or parental conditions?

IT IS SO ORDERED.

Sabrina Kong

Sabrina Kong

Administrative Law Judge

Office of Administrative Hearings