BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENTS ON BEHALF OF STUDENT,

and

CAPISTRANO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024110845

OAH CASE NUMBER 2024120812

ORDER CLARIFYING ISSUES 2C AND 4C

AUGUST 11, 2025

On July 30, 2025, the Office of Administrative Hearings, called OAH, issued an Order Following Prehearing Conference for Hearing by Videoconference dated July 30, 2025, referred to as the July 30, 2025, PHC Order. The July 30, 2025, PHC Order described the issues to be heard and decided at hearing in these consolidated matters, as alleged in the due process hearing requests, and clarified by the parties and the Administrative Law Judge, called ALJ, during the prehearing conference held on July 28, 2025. The Order instructed the parties to file a notice if the party believes an issue as described in the Order was misstated or improperly omitted.

On August 1, 2025, Student filed a Motion to Correct Prehearing Conference Order. Specifically, Student moved to correct the July 30, 2025, PHC Order's descriptions of Issues 2c and 4c. Student argued his amended complaint describing Capistrano Unified School District's alleged failures to offer an appropriate placement was not limited to a classroom environment providing small group instruction. Rather, Student argues the complaint describes the offer of placement failed to adequately address Student's unique needs in:

- basic reading skills,
- reading fluency,
- reading comprehension,
- basic writing skills,
- written expression,
- attention,
- executive functioning,
- peer interactions,
- phonological processing,
- orthographic processing,
- self-advocacy,
- social-emotional skills, and
- math application tasks.

Student moved to clarify Issues 2c and 4c to reflect Capistrano Unified's offers of placement failed to adequately address Student's unique needs in the 13 areas described.

On August 5, 2025, OAH convened the due process hearing in these consolidated matters. Attorneys Timothy Adams and Rhonda Chow represented Student. Parents

attended the hearing on Student's behalf. Attorney Cynthia Young represented Capistrano Unified. Executive Director of Alternative Dispute Resolution and Compliance Dr. Kathy Purcell attended the hearing on Capistrano Unified's behalf.

At hearing, Capistrano Unified objected to further clarification of Issues 2c and 4c because the parties and the ALJ engaged in extensive discussion at the prehearing conference to clarify Issues 2c and 4c, and further clarification is unwarranted. In reviewing Student's amended complaint and following further clarification by the parties and the ALJ, the ALJ granted Student's request to further clarify Issues 2c and 4c. Issues 2c and 4c are further clarified as follows:

2c: Did Capistrano Unified's individualized education program, called IEP, dated March 1, 2023, deny Student a free appropriate public education, called FAPE, by failing to offer placement in a classroom environment with small group instruction to adequately address Student's needs in:

i. basic reading skills;
ii. reading fluency;
iii. reading comprehension;
iv. basic writing skills;
v. written expression;
vi. math application tasks;
vii. phonological processing;
viii. orthographic processing;
ix. attention;
x. executive functioning;
xi. peer interactions;
xii. self-advocacy; and

xiii. social-emotional skills?

4c: Did Capistrano Unified's IEP dated May 2, 2024, deny Student a FAPE by failing to offer placement in a classroom environment with small group instruction to adequately address Student's needs in:

i. basic reading skills;
ii. reading fluency;
iii. reading comprehension;
iv. basic writing skills;
v. written expression;
vi. math application tasks;
vii. phonological processing;
viii. orthographic processing;
ix. attention;
x. executive functioning;
xi. peer interactions;
xii. self-advocacy; and
xiii. social-emotional skills?

A party must raise any objection with OAH at the start of the hearing on August 12, 2025, if Issues 2c and 4c as described above do not reflect the party's understanding of the issues as clarified at the hearing. The ALJ will address any objections at the hearing.

IT IS SO ORDERED.

Rommel P. Cruz

Rommel P. Cruz

Administrative Law Judge

Office of Administrative Hearings