BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:	
PARENTS ON BEHALF OF STUDENT,	OAH Case No. 2017041138
v.	AMENDMENT TO ORDER FOLLOWING PREHEARING CONFERENCE
LOS ANGELES UNIFIED SCHOOL DISTRICT.	

On August 25, 2017, a telephonic prehearing conference was held before Administrative Law Judge Cole Dalton, Office of Administrative Hearings. Henry Tovmassian, Attorney at Law, appeared on behalf of Student. Karl Widell, Attorney at Law, appeared on behalf of Los Angeles Unified School District. Among other matters, the ALJ reviewed the issues presented in Student's due process complaint. The ALJ issued an Order Following Prehearing Conference dated August 30, 2017, which included a list of the issues for hearing pursuant to discussion with the parties at the PHC.

The hearing in this case started on September 5, 2017. At the beginning of the hearing, Student stated that the issues in the Order Following Prehearing Conference did not fully coincide with his complaint. Student requested that the issues be redefined for hearing. After review of Student's complaint and discussion with the parties, Student's issues for hearing are redefined as follows, as agreed to by Student and District:

(1) Whether District denied Student a free appropriate public education by:

(a) Failing to meet its child find obligation to him from April 25, 2015, through the end of the 2016-2017 school year; and

(b) Failing to conduct timely and appropriate assessments in all areas related to Student's suspected disability, including (i) intellectual functioning, including areas of attention; concentration; executive functioning; information processing; visual/perceptual skills; and memory functioning, including verbal and non-verbal memory; (ii) language processing, including development and use; (iii) academic functioning; (iv) gross and fine motor functioning and sensory integration; (v) social-emotional functioning; and (vi) behavior from April 25, 2015 through the 2016 – 2017 school year?

(2) Whether District committed procedural violations, which denied Student a FAPE by:

(a) Failing to timely review and consider third party assessments;

(b) Failing to hold timely individual education program team meetings to determine Student's eligibility for special education;

(c) Failing to meet its child find obligations to Student from April 25, 2015, through the end of the 2016-2017 school year; and

(c) Failing to make a formal, specific, written offer of FAPE in the IEPs of (i) September 15, 2016 and (ii) October 17, 2016?

(3) Whether District denied Student a FAPE from April 25, 2015, though the end of the 2016-2017 school year by failing to find him eligible for special education and related services, and develop an appropriate IEP for him to address all of his unique needs?

IT IS SO ORDERED.

DATE: September 8, 2017

DocuSigned by:
Darrell Lepkowsky
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DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings