BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ROSS VALLEY SCHOOL DISTRICT AND MARIN COUNTY OFFICE OF EDUCATION.

OAH CASE NUMBER 2026010062

ORDER REGARDING EVIDENCE ON REMAINING ISSUES TO BE PROVEN AT HEARING

AUGUST 24, 2026

On August 4, 2026, Ross Valley School District, called Ross Valley, and Marin County Office of Education, called Marin County, filed with the Office of Administrative, called OAH, a motion to dismiss Student's claims falling outside the two-year statute of limitations. Student opposed the motion arguing he was entitled to an evidentiary hearing to determine if he established either of the two statutory exceptions to the statute of limitations. Administrative Law Judge, called an ALJ, Linda Dowd, denied that motion, and instead ordered as follows in the Order Following Prehearing Conference for Hearing by Videoconference Denying Motion to Limit Issues, dated August 7, 2026:

"… the first portion of the hearing will be to determine if Student can present evidence of claims occurring prior to December 26, 2023. Student anticipates needing four to five witnesses and one and a half to two days to present the evidence. After Student presents his evidence, the ALJ will take a recess and make an oral ruling if Student may proceed with any issues prior to December 26, 2023."

The due process hearing began on August 18, 2026, before the undersigned ALJ. During the first four days of the hearing Student examined seven witnesses in an effort to prove facts establishing either of the two exceptions to the statute of limitations. Thereafter, the undersigned ALJ ruled on the record on August 24, 2026, that Student had failed to present admissible evidence during this initial phase of the hearing that established an exception to the two-year statute of limitations, which will be fully addressed in the final Decision. The undersigned ALJ further ruled on the record on August 24, 2026, that during the next phase of the hearing, only evidence relevant to the remaining issues shall be presented.

For clarity of the record, the remaining issues for hearing, set forth below, have not been renumbered, but are listed with the same numbers and letters as set forth in the Order Following Prehearing Conference for Hearing by Videoconference Denying Motion to Limit Issues, dated August 7, 2026, as such issues were modified pursuant to the stipulation of the parties and the Order of the ALJ on the first day of hearing before any evidence was presented. For the balance of the hearing the parties shall only present evidence relevant to the remaining issues to be proven. A free appropriate public education is called a FAPE. An individualized education program is called an IEP. The remaining issues to be proven at hearing are as follows:

1. Did Ross Valley and Marin County deny Student a FAPE from December 26, 2023, through December 2024, by failing to assess:

a. feeding and swallowing,

b. nutrition,

c. nursing and health-related needs,

d. augmentative and alternative communication,

e. adaptive functioning,

f. transportation-related needs,

g. sensory regulation,

h. behavioral functioning,

i. elopement risk, and

j. communication?

2. Did Ross Valley and Marin County deny Student a FAPE by failing to offer specialized instruction, related services, accommodations, supplementary aids and services, and supports reasonably calculated to enable Student to make appropriate progress in light of his individual circumstances in the:

c. May 2024 annual IEP?

3. Did Ross Valley and Marin County deny Student a FAPE by failing to develop appropriate health supports, specifically feeding protocols, nursing supports, and health-related accommodations in the:

c. May 2024 annual IEP?

4. Did Ross Valley and Marin County deny Student a FAPE by failing to offer appropriate behavioral, adaptive, communication, supervision, and safety supports necessary to ensure Student's safety and meaningful educational participation in the:

c. May 2024 annual IEP?

5. Did Ross Valley and Marin County deny Student a FAPE by denying Parent meaningful participation in the IEP process at the May 2024 IEP team meeting by:

   a. failing to accurately document Parent's concerns,

   b. failing to provide legally required prior written notices,

   c. failing to maintain accurate or complete educational records,

   d. failing to timely respond to Parent's requests,

   e. failing to restrict communication, and

   f. otherwise interfering with Parent's procedural rights guaranteed under the IDEA?

6. Did Ross Valley and Marin County deny Student a FAPE by failing to implement consistent transportation-related supports and accommodations during the:

   b. 2023-2024 school year, from December 26, 2023, and

   c. 2024-2025 school year through December 2024?

7. Did Ross Valley and Marin County deny Student a FAPE from December 26, 2023, by failing to:

a. maintain complete and accurate educational records,

b. timely disclose educational information required by law,

c. accurately document educational decision-making, and

d. provide records necessary to ensure meaningful parental participation?

IT IS SO ORDERED.

Christine Arden

Christine Arden

Administrative Law Judge

Office of Administrative Hearings