

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

PASADENA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021080787

ORDER STRIKING STUDENT'S PREHEARING CONFERENCE
STATEMENT FROM RECORD AND SETTING TIME FOR
FILING STATEMENT THAT COMPLIES WITH OAH'S ORDER
OF AUGUST 27, 2021

OCTOBER 7, 2021

On August 26, 2021, Student filed a 51-page complaint in this matter alleging that South Pasadena denied him a free appropriate public education in a variety of ways.

On August 27, 2021, the Office of Administrative Hearings, called OAH, set the matter for prehearing conference on October 11, 2021, and ordered the parties to file prehearing conference statements by October 6, 2021. That order instructed the parties

to include in their prehearing conference statements “[a] concise statement of the issues raised in the due process hearing request that remain to be decided at the due process hearing . . .”

On October 6, 2021, Student filed a prehearing conference statement that failed to contain the concise statement of issues required by OAH’s Order of August 27, 2021. Instead of a concise statement of issues, it contained without explanation a three-page description of some provisions of an individualized education program which had been copied verbatim from the complaint. It also separately set forth 40 additional pages of allegations copied verbatim from the complaint.

The prehearing conference statement filed by Student has failed to comply with the requirement of a concise statement of issues. No factual recitation was sought or needed. A 43-page repetition of allegations from a 51-page complaint is useless as a prehearing conference statement. It is unreasonable that an attorney would file such a document thinking it complied with the Order’s requirements. It will be stricken from the record, and Student shall have an opportunity to file another statement that complies with OAH’s order.

ORDER

1. Student's prehearing conference statement filed October 6, 2021, is stricken from the record because it does not comply with OAH's order of August 27, 2021, requiring a concise statement of issues.
2. Student may file another prehearing conference statement no later than the close of business on October 8, 2021, that complies with OAH's order of August 27, 2021. It shall contain a concise statement of issues no more than two pages in length. If that filing still fails to conform to OAH's order of August 27, 2021, or to this Order, it will also be stricken from the record.

Charles Marson

Charles Marson

Administrative Law Judge

Office of Administrative Hearings