

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

VISTA OAKS CHARTER SCHOOL.
OAH CASE NUMBER 2026021021

ORDER FOLLOWING PREHEARING CONFERENCE; ORDER
GRANTING REQUEST FOR CONTINUANCE; AND ORDER
GRANTING MOTION TO QUASH SUBPOENA FOR
RUGGIERO

JULY 14, 2026

On July 13, 2026, Administrative Law Judge Rommel P. Cruz, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

Parent appeared on behalf of Student. Attorney Debra Ferdman appeared on behalf of Vista Oaks Charter School. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

CONTINUANCE

At the PHC, Vista Oaks requested a brief continuance of the hearing because the parties are expected to be in hearing in OAH case number 2026050648, involving Student's sibling. That hearing was continued through July 16, 2026, and based on the pace of the hearing, and the remaining witnesses who need to complete their testimony and who have yet to testify, the parties expect that hearing to continue to July 21, 22, and 23, 2026. Student did not oppose the continuance request.

A due process hearing must be conducted, and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. OAH considers all relevant facts and circumstances in determining whether good cause exists to grant an extension. (See Cal. Rules of Court, rule 3.1332(d).)

Vista Oaks established good cause to continue the hearing because the parties will not be available for hearing in this matter due to a conflicting hearing for Student's sibling. Accordingly, the continuance request is granted, and the July 21, 22, and 23, 2026 hearing dates are vacated.

DUE PROCESS HEARING

The hearing is continued to July 28, 29, and 30, 2026, and will continue day to day at the discretion of the ALJ. The hearing shall begin at 9:30 AM each day and generally

end at 3:30 PM, unless otherwise ordered. The parties anticipate it will take 20 or more days to complete the hearing. Additional hearing dates will be discussed with the ALJ during the hearing.

HEARING LOCATION

OAH is authorized to conduct due process hearings by videoconference or telephone. (Cal. Code Regs., tit. 5, § 3082, subd. (g).) OAH will conduct the due process hearing by videoconference using the Zoom application. Unless otherwise ordered, participants are required to appear by videoconference using computer or device with video capability and Zoom.

The parties shall immediately notify all potential witnesses of the hearing dates and shall subpoena witnesses, if necessary, to ensure that the witnesses will appear to testify. A party's failure to notify or subpoena a witness to testify will not be considered good cause to continue the hearing. Instructions for issuing and responding to [subpoenas](https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Forms/Subpoenas?search=special%20education%20subpoena) and optional forms for subpoenas can be found on the website at <https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Forms/Subpoenas?search=special%20education%20subpoena>.

ISSUES AND PROPOSED RESOLUTIONS

A free appropriate public education is called a FAPE. An individualized education program is called an IEP.

The issues at the due process hearing, and proposed resolutions, as alleged in the complaint and clarified by the parties and the ALJ during the PHC are:

ISSUES

At the PHC, Student withdrew the claim regarding Vista Oaks alleged failure to provide a complete IEP since May 2023, described under "Problem # 2" on page 30 of 55 of the amended due process hearing request, called the amended complaint.

Therefore, that issue is dismissed. The remaining issues were clarified as follows:

1. Did Vista Oaks deny Student a FAPE from November 1, 2023, through April 2, 2026, by failing to implement her physician provided seizure plan?
2. Did Vista Oaks deny Student a FAPE from January 29, 2023, through April 2, 2026, by failing to comply with Corrective Action case number S-0795 2023/24 issued by the California Department of Education?
3. Did Vista Oaks deny Student a FAPE from January 1, 2023, through April 2, 2026, by failing to provide Parents complete copies of Student's IEPs following IEP team meetings?
4. Did Vista Oaks deny Student a FAPE from September 1, 2022, through April 2, 2026, by failing to have a valid release of information consented to by Parents before contacting outside assessors and service providers about Student's educationally related needs?
5. Did Vista Oaks deny Student a FAPE from August 7, 2016, through April 2, 2026, by failing to maintain Student's educational records accurately?
6. Did Vista Oaks deny Student a FAPE from August 7, 2016, through April 2, 2026:
 - a. because the assessments were not legally complaint, specifically the:
 - i. August 5, 2016 transportation assessment;
 - ii. 2016 speech and language assessment;

- iii. 2016 psychoeducational assessment;
 - iv. 2016 occupational therapy assessment;
 - v. February 20, 2017 speech and language assessment;
 - vi. August 12, 2017 psychoeducational assessment;
 - vii. March 2018 three-year reassessments in psychoeducation, and academics;
 - viii. January 2020 speech and language assessment;
 - ix. January 2021 three-year reassessments in psychoeducation, academics, and speech and language;
 - x. May 2023 assessments in psychoeducation, speech and language, and academics; and
 - xi. June 27, 2023 autism assessment?
- b. by failing to conduct:
- i. an occupational therapy assessment in 2017, 2021, and 2023;
 - ii. a speech and language assessment in 2018; and
 - iii. an individual transition plan assessment in 2024 and 2025?
7. Did Vista Oaks deny Student a FAPE from January 2023, through April 2, 2026, by failing to timely provide Parents copies of Student's educational records pursuant to Parents' records requests?
 8. Did Vista Oaks deny Student a FAPE from February 24, 2024, through April 2, 2026, by failing to develop a complete and appropriate individual transition plan?
 9. Did Vista Oaks deny Student a FAPE from January 1, 2023, through April 2, 2026, by failing to offer an IEP consistent with discussions and agreements made at IEP team meetings regarding student's health needs?

10. Did Vista Oaks deny Student a FAPE from January 1, 2023, through April 2, 2026, by failing to:
- a. accurately identify Student's present levels of academic and functional performance; and
 - b. provide Parents accurate progress reports toward IEP goals?
11. Did Vista Oaks deny Student a FAPE from February 24, 2024, through April 2, 2026, by failing to appropriately consider independent educational assessments, specifically the:
- a. July 24, 2024 neuropsychological assessment;
 - b. November 29, 2024 neuropsychological assessment;
 - c. December 2, 2024 occupational therapy assessment;
 - d. March 2025 health assessment; and
 - e. May 9, 2024 assistive technology assessment?
12. Did Vista Oaks deny Student a FAPE from April 2017, through April 2, 2026, because school personnel signed Parent's name:
- a. on IEP team meeting attendance sheets; and
 - b. on an occupational therapy session form dated March 10, 2025?
13. Did Vista Oaks deny Student a FAPE August 7, 2016, through April 2, 2026, by failing to maintain the confidentiality of Student's personally identifiable information?

STATUTE OF LIMITATIONS

The statute of limitations in California is two years, consistent with federal law. (Ed. Code, § 56505, subd. (l); see also 20 U.S.C. § 1415(f)(3)(C).) However, title 20 United States Code section 1415(f)(3)(D) and Education Code section 56505, subdivision (l), establish exceptions to the statute of limitations in cases in which the parent was

prevented from filing a request for due process due to specific misrepresentations by the local educational agency that it had resolved the problem forming the basis of the complaint, or the local educational agency's withholding of information from the parent that was required to be provided to the parent.

Student's issues involve claims beyond the two-year statute of limitations. Student carries the burden of proving an exception applies to the two-year statute of limitations to permit Student to pursue claims beyond February 24, 2024, two years from the date Student filed his initial complaint.

Student's amended complaint contends Vista Oaks made misrepresentations and withheld information that impeded Parents from timely filing a complaint for claims that occurred prior to February 24, 2024. Student bases her exceptions to the two-year statute of limitations on the following alleged conduct by Vista Oaks:

1. Vista Oaks made misrepresentations and withheld information related to the California Department of Education's investigation in case number S-0795 2023/24.
2. Vista Oaks made misrepresentations and withheld information related to the California Department of Education's investigation in case number S-1070 2024/25.
3. Vista Oaks teacher Dana Moran made specific misrepresentations regarding Student's records that Student claims Moran emailed to her personal email.

At the beginning of the hearing, on the first day, Student and Vista Oaks shall call any and all witnesses, and present documentary evidence on whether an exception applies to the two-year statute of limitations based on three alleged conducts allegedly

constituting misrepresentations and withholding of information as described in this Order. Student shall present her witness and documentary evidence first, followed by Vista Oaks. The parties shall call their witnesses on the exceptions to the statute of limitations first, regardless of whether those witnesses may be recalled later in the hearing to address other issues.

Following the parties' presentation of evidence on the exception to the statute of limitations, the ALJ will take a recess, then decide whether Student established an exception to the two year statute of limitations. The issues shall be modified and reorganized if necessary based on the ruling.

A party must immediately file a written objection with OAH if the issues, as described above, do not reflect the party's understanding of the issues as clarified at the PHC. The ALJ will address any objections on the first day of hearing.

PROPOSED RESOLUTIONS

The resolutions requested by Student include parent participation in training of one-to-one health aides and parent meaningful participation in the IEP process, including assessments and development of seizure action plans. Student also seeks compensatory educational services. Further, Student seeks an IEP that Parents could consent to and that assessment reports that Student claims are missing be returned to Student's education records.

Vista Oaks filed its response to Student's amended complaint on March 27, 2026. (*M.C. v. Antelope Valley Union High School Dist.* (9th Cir. 2017) 858 F.3d 1189, 1199-1200.)

EXHIBITS

At the PHC, Vista Oaks requested the parties be permitted to limit the initial exchange of exhibits to those relevant to the two-year statute of limitations exceptions and to the claims falling within the two-year statute of limitations. Vista Oaks also requested permission to upload exhibits related to claims outside the two-year statute of limitations, if warranted, following the ALJ ruling on the two-year statute of limitations exception, and modification, if any, of the issues. Student did not oppose the requests.

Vista Oaks' request is granted. The parties shall timely exchange exhibits relevant to the exceptions contended by Student and claims falling within the two-year statute of limitations no later than five business days before the first day of hearing, in compliance with Education Code section 56505, subdivision (e)(7). Following the ALJ's ruling on the statute of limitation exceptions, and modification of the issues, if any, the parties will be permitted to exchange additional exhibits relevant to claims prior to February 24, 2024, that remain to be heard and decided at hearing.

The parties shall serve their exhibits on each other in compliance with Education Code section 56505, subdivision (e)(7). The parties shall upload their exhibits electronically according to the Order Setting Procedures for Filing Exhibits Electronically. Timely uploading electronic hearing exhibits five business days before the first day of hearing constitutes that party's timely exchange of evidence in compliance with Education Code section 56505, subdivision (e)(7). If further assistance is needed, please [contact OAH](mailto:OAHSEOps@dgs.ca.gov) at OAHSEOps@dgs.ca.gov.

Except for good cause shown, or unless used solely for rebuttal or impeachment, any exhibit not timely exchanged as required by Education Code section 56505,

subdivision (e)(7) shall not be admitted into evidence at the hearing unless the ALJ rules that it is admissible.

IDENTIFYING EXHIBITS AND PAGE NUMBERS

Each exhibit must be identified by a letter and number. Student must use the letter S before the number to identify Student's exhibits. Vista Oaks must use the letter D before the number to identify Vista Oaks's exhibits. For example, S-1 means Student's exhibit 1 and D-1 means Vista Oaks's exhibit 1. A cover sheet with this identifying letter and number should be the first page of each exhibit. The electronic evidence program will automatically number the exhibits and additional page numbering or bates stamping should not be added.

CONTENT

Each exhibit must consist of one document. Separate documents may not be combined into one exhibit. Emails or letters may be consolidated into one exhibit if they are part of a single chain of messages. Exhibits should be in chronological order.

Parties should include resumes or curriculum vitae for each witness expected to testify as an expert.

Vista Oaks's exhibits must include a copy of the school calendar for each school year in question.

Electronic copies of exhibits filed with OAH shall be filed by 5:00 PM at least five business days before the first day of hearing. Please refer to the General Order OAH issued with the Scheduling Order that contains the Order Setting Procedures for Filing Exhibits Electronically. It includes instructions for how to file exhibits electronically. Beginning three business days before the hearing, the electronic evidence system will

not allow parties to upload exhibits unless permitted by the ALJ during the hearing at the ALJ's discretion.

WITNESSES

The parties shall serve their list of witnesses on each other in compliance with Education Code section 56505. No party shall be permitted to call any witnesses not timely disclosed except for good cause shown, supported by written declaration under penalty of perjury, and at the discretion of the ALJ.

Parties are responsible for ensuring that all participants are familiar with and follow the Instructions for Joining the Online Due Process Hearing provided with this Order. Participants who have not previously used the [Zoom application](#), may find informative instructions on at by visiting, Getting Started with Zoom at <https://support.zoom.us/hc/en-us/categories/200101697>.

The parties are responsible for ensuring that witnesses join the virtual hearing room at the designated date and time to testify. Witnesses are required to join the due process hearing by computer and appear by videoconference unless they do not have the necessary computer equipment. If a witness does not have the necessary equipment, the ALJ may permit the witnesses to appear by audio only or by telephone. Audio only means using a computer without video. A witness's inability to attend the hearing by videoconference will be discussed at the start of the hearing.

The parties are responsible for producing their own witnesses unless otherwise ordered by the ALJ. Parties shall make witnesses under their control reasonably available. The parties must schedule their witnesses to avoid delays in the hearing and to minimize or eliminate the need for calling witnesses out of order.

The ALJ has discretion to limit the number of witnesses and the time allowed for testimony. Education Code, section 56505.1, subdivision (h), empowers the ALJ to set a reasonable limit on the length of the hearing after consideration of four factors. The first two factors are the issues to be heard and the complexity of facts to be proven. The second two factors are the ability of the parties or their representatives to present their respective cases and the parties' estimates of the time needed to present their cases.

MEET AND CONFER

The parties are encouraged to review and shorten their witness and exhibit lists before the hearing. Evidence may be excluded if it is repetitive, cumulative, or insufficiently probative to justify the time it would take to hear.

The parties are ordered to meet and confer no later than July 17, 2026, to discuss scheduling witnesses and how much time each witness will take. The parties shall discuss any issues related to counsel and witnesses appearing by videoconference for hearing, electronically viewing exhibits during the hearing, and subpoenas, if any. The parties should attempt to eliminate duplicate exhibits from their hearing exhibits. The parties shall discuss whether they can produce a written stipulation as to pertinent facts, contentions, resolutions and the authenticity and admissibility of documents to shorten the length of time needed for the hearing.

As part of the meet and confer process, Vista Oaks shall inform Student which proposed witnesses are Vista Oaks employees. Vista Oaks shall also identify the witnesses on Student's list that require a subpoena. Vista Oaks may agree to accept service for a witness under Vista Oaks's control or provide Student with the witness's most recent contact information.

PARTICIPANT INFORMATION FORM

Both parties have an ongoing obligation to ensure that OAH has current information on the Participant Information Form filed with OAH and shall file an updated Form as necessary. The Participant Information Form is not served upon the opposing party. The ongoing obligation to ensure that the Participant Information Form filed with OAH is current does not change the parties' statutory obligation to timely disclose their witnesses to the other party at least five business days prior to hearing. The parties must file an updated Participant Information Form to inform OAH of any changes, additions, or deletions, including the required information no later than 5:00 PM at least two business days before the first day of hearing.

Any contact information provided shall be used for the limited purpose of issuing subpoenas or for contacting a witness to attend the hearing. Any contact information shall not be disclosed to any other person.

EVIDENCE PRESENTATION

In an administrative proceeding, the burden of proof is ordinarily on the party requesting the hearing. (*Schaffer v. Weast* (2005) 546 U.S. 49, 62.) In this case Student requested the hearing and bears the burden of proof. Student's case-in-chief shall be presented first, followed by Vista Oaks, unless otherwise ordered.

WITNESS LISTS

The parties must provide a joint proposed witness list to the ALJ on the first day of hearing. The list should include the first and last name of the witness, which party is calling the witness to testify, and include dates and time estimates of each witness's expected testimony. In the event an agreement cannot be reached, each party shall

prepare a separate written list. The parties must have witnesses available in case there is no agreement.

At the beginning of the hearing, the ALJ and the parties will discuss the length of time anticipated for each witness and scheduling issues for individual witnesses. The ALJ will finalize the witness schedule. Parties must be prepared at the end of each day to discuss the witnesses to be presented the next day and the estimated time for the testimony of each witness.

SCOPE OF WITNESS EXAMINATION

Each witness will be called to testify only once, except for rebuttal purposes. All parties must examine a witness on all issues when the witness is first called to testify. Requiring a witness to appear only once takes priority over the order in which parties present their case-in-chief.

AUDIO ONLY OR TELEPHONIC TESTIMONY

Whether a witness may appear by audio only or telephone instead of videoconference is a matter within the discretion of the ALJ. (Cal. Code Regs., tit. 5, § 3082, subd. (g).) Any party seeking to present a witness by audio only or telephone shall request permission to do so before the hearing. Any party seeking to present a witness who cannot access exhibits electronically must inform the ALJ at the beginning of the hearing.

ELECTRONIC RECORDINGS

AUDIO RECORDING

The parties' requests to make an audio recording of the hearing are granted, subject to the ALJ's discretion and based upon the following conditions:

1. the OAH recording is the only official recording;
2. the parties shall turn their recording device on and off at the same time that the ALJ is on and off the record to avoid recording conversations while off the record;
3. operation of the party's recording mechanism will not be allowed to delay the hearing;
4. a party's recording may not be given, provided or played to a witness, or potential witness;
5. the recording is subject to the same confidentiality as the due process hearing; and
6. participants shall not take screenshots of the videoconference nor share or publish any portion of the videoconference or audio recording.

VIDEO RECORDING

No party, witness or anyone else may videorecord any part of the proceedings or stream live through any means.

RECORDINGS AS EXHIBITS

Recordings may not be uploaded electronically without the ALJ's permission. The ALJ has discretion to admit or exclude evidence in the form of a recording. Any request to submit a recording shall be considered at the time of hearing.

The ALJ may grant or deny the request or grant the request subject to certain conditions. The party offering the recording must establish that all or a part of the recording is relevant. The ALJ may request a transcript of the portion of the recording requested or have the party offering the recording to provide an exact identifiable portion of the recording the party seeks to admit. The identities of any person speaking on the portion of the tape being introduced must be established. An ALJ may allow the opposing party to offer additional portions of a recording to establish the context, or to rebut, the recording.

COMPENSATORY EDUCATION OR REIMBURSEMENT

Any party seeking reimbursement for expenditures shall present admissible evidence of these expenditures, or a stipulation to the amount of the expenditures. A party seeking compensatory education should provide evidence regarding the type, amount, duration, and need for any requested compensatory education. Documents offered as evidence to support a request for reimbursement must be separated by vendor.

MOTIONS

On May 26, 2026, Student issued a subpoena for testimony to Vista Oaks's attorney Brinkley Ruggiero. On July 8, 2026, Vista Oaks filed a motion to quash the subpoena. At the PHC, Student did not oppose the motion to quash. Accordingly, the motion to quash the subpoena for Attorney Ruggiero is granted, and the subpoena is quashed.

On July 6, 2026, Student filed a motion to shift to Vista Oaks the costs for Dr. Carina Grandison's testimony in this matter. Vista Oaks filed an opposition to the

motion on July 9, 2026. The motion to shift costs is taken under submission and will be addressed in a separate order.

At the PHC, Student stated she may file a motion for stay put. No other prehearing motions are pending or contemplated. Any motion that was not filed three business days before the PHC, shall be supported by a declaration under penalty of perjury establishing good cause why the motion was not timely filed.

STIPULATIONS

Stipulations to pertinent facts, contentions, resolutions and authenticity and admissibility of documents are encouraged. Any proposed stipulation shall be submitted to the assigned ALJ in writing prior to the start of the hearing.

CONDUCT OF PARTICIPANTS AND HEARING ROOM DECORUM

All participants to the videoconference should observe the same decorum as in an in-person due process hearing. Participants must conduct themselves in a professional and courteous manner at all times. Cellular phones, telephones and computer notifications must be shut off or set to silent during the hearing unless the ALJ grants permission otherwise. Participants should appear from a private location, unless otherwise ordered. Participants should take reasonable efforts to minimize background noise and maintain adequate room lighting. Use of virtual background images are at the discretion of the ALJ. Witnesses are prohibited from reading exhibits, documents, notes, text messages, telephones or computers while testifying, unless permitted to do so by the ALJ. The parties, their representative and witnesses are prohibited from passing notes to, exchanging electronic messages with, or signaling the witness in any way while the witness is testifying.

LANGUAGE INTERPRETERS AND REASONABLE ACCOMMODATIONS

On June 26, 2026, OAH granted the following hearing accommodations for Parent:

1. Use of multiple computer monitors.
2. Recess in the event of a medical emergency.
3. Frequent breaks.

Student did not request any additional accommodations.

Vista Oaks requested accommodations for its hearing representative, Lucy Berk-Fisher, for movement breaks, position changes, and recesses as needed. The requested accommodations are reasonable and granted.

A party or participant in this case, such as a witness, requiring reasonable accommodation to participate in a mediation or hearing may contact OAH at (916) 263-0880, or send an email to OAHADA@dgs.ca.gov as soon as the need is known. The e-mail should have "Request for Accommodation" in the Subject Line. Additional information concerning [requests for reasonable accommodation](#) is available on OAH's website at: <https://www.dgs.ca.gov/OAH/Services/Page-Content/Office-of-Administrative-Hearings-Services-List-Folder/Request-Reasonable-Accommodations-for-OAH-Legal-Proceedings>.

HEARING CLOSED TO THE PUBLIC

The hearing is closed to the public. This special education hearing is closed to the public unless Student requests the hearing to be open to the public.

SETTLEMENT

The parties are encouraged to continue working together to reach an agreement before the due process hearing. The parties shall inform OAH in writing immediately if they reach a settlement or otherwise resolve the dispute before the scheduled hearing. In addition, if a settlement is reached within five days of the scheduled start of the due process hearing, the parties shall also inform OAH of the settlement by telephone at (916) 263-0880. At the same time, the parties should send the signature page of the signed agreement or a letter withdrawing the case to OAH by visiting [OAH Secure e-file](https://www.applications.dgs.ca.gov/oah/oahsftweb) at <https://www.applications.dgs.ca.gov/oah/oahsftweb>.

If a full and final written settlement agreement is reached after 4:00 PM the day prior to hearing, the parties shall leave a voicemail message regarding the settlement at (916) 274-6035. The parties should also leave contact information such as cellular phone numbers of each party or counsel for each party.

Dates for hearing will not be cancelled until the letter of withdrawal or signature page of the signed agreement has been received and processed by OAH. If an agreement in principle is reached, the parties should plan to attend the scheduled hearing unless different arrangements have been agreed upon by the assigned ALJ. The assigned ALJ will check for messages before the hearing.

If the matter settles subject to board approval, in addition to a signed copy of the signature page of the settlement agreement, the parties shall provide the date of the next board meeting. The hearing dates will not be cancelled without this information.

FAILURE TO COMPLY

The failure to comply with this Order may result in the exclusion of evidence or other sanctions.

ORDER INCLUDES ALL RULINGS

This Order includes all rulings made at the PHC. Any discussion and conversation not referenced in this Order is not binding on the ALJ conducting the hearing and may not be relied upon by the parties. The parties should be aware that, at hearing, the ALJ conducting the hearing has discretion to reconsider any part of this Order.

IT IS SO ORDERED.

Rommel P. Cruz

Rommel P. Cruz

Administrative Law Judge

Office of Administrative Hearings