

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026060524

ORDER FOLLOWING PREHEARING CONFERENCE FOR
HEARING BY VIDEOCONFERENCE

AUGUST 17, 2026

On August 14, 2026, Administrative Law Judge Laurie Gorsline, 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. Donald Erwin, Attorney at Law, appeared on behalf of Los Angeles Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

HEARING DATES, TIMES, AND LOCATION

DUE PROCESS HEARING

The hearing will take place on August 25 through 27, 2026, and 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 three days to complete the hearing. District's counsel has a preplanned vacation scheduled September 8 through 11, 2026. 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](#) 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

On July 13, 2026, OAH dismissed the claim labeled as Violation 1 in Student's Complaint, because it was outside OAH's jurisdiction.

By Student's PHC statement, Student attempted to raise a new issue labeled as Issue 5, claiming District discriminated against him by denying him a FAPE in violation of Section 1983 of Title 42 United States Code, the Americans with Disabilities Act (42 U.S.C. §§ 12101, et seq.), and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.) At the PHC, the ALJ informed Parent that those claims were outside of OAH's jurisdiction. Moreover, the ALJ informed Parent that Student cannot add claims by asserting them for the first time in a PHC Statement, and that instead, Student was required to file a timely written motion to amend with a proposed written amended complaint containing all Student's claims in a single amended complaint.

The IDEA allows a party to amend its due process complaint "only if" the other party consents in writing to such amendment and is given the opportunity to resolve the complaint through a meeting held pursuant to title 20 United States Code section 1415(f)(1)(B), or the hearing officer grants permission, which permission cannot be granted less than five days before the due process hearing begins. (20 U.S.C. § 1415(c)(2)(E)(i); 34 C.F.R. § 300.508(d)(3).) Neither of those conditions were satisfied here.

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 set forth below and renumbered for clarity. A free appropriate public education is called a FAPE. An individualized education program is called an IEP.

The parties are required to promptly file a written objection if the issues stated in this Order do not accurately reflect Student's claims or any issue is missing. Any objections will be addressed on the first day of hearing. The ALJ may request further clarification of the issues on the first day of hearing.

ISSUES

1. Did Los Angeles Unified deny Student a FAPE by failing to implement Student's individual transition plan in the:
 - A. IEP dated April 1, 2025?
 - B. IEP dated March 13, 2026?
2. Did Los Angeles Unified deny Student a FAPE by declining him credit for advanced placement biology coursework that Student completed at an outside institution during summer 2026?
3. Did Los Angeles Unified deny Student a FAPE by failing to respond to Parent's communications during the period between March 13 and May 28, 2026?

PROPOSED RESOLUTIONS

The resolutions requested by Student include recognition on Student's transcript of the advanced placement biology class he took during summer 2026, reimbursement for the cost of the course, and requiring District to implement Student's individual transition plan, respond to Parent's communications with three business days, and implement corrective procedures.

District filed its response to Student's complaint on August 11, 2026. (*M.C. v. Antelope Valley Union High School Dist.* (9th Cir. 2017) 858 F.3d 1189, 1199-1200.)

EXHIBITS

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. District must use the letter D before the number to identify its exhibits. For example, S-1 means Student's exhibit 1, and D-1 means District'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 may be consolidated into one exhibit if they are part

of a single chain of messages, unless the email has attachments in which case each email with attachments shall be one separate exhibit. Any document which had an attachment or enclosure may also be consolidated into one single exhibit even if the attachment or enclosure is also a separate exhibit.

Exhibits should be in chronological order with the oldest document first.

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

District's exhibits must include a copy of the school calendar for each school year in question, including if they exist, calendars for all extended school years.

For any assessment plans, the parties shall include all signatures pages, if any, demonstrating when the assessment plan was sent, and if, and when Parent signed the assessment plan and returned it to District.

For any IEPs, the parties shall include all signatures pages, if any, demonstrating who attended each IEP team meeting, and if, and when, Parent consented to or refused to consent to each IEP or part thereof.

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.

Parent shall notify District's counsel in writing no later than five business days before the hearing if she plans to call any witnesses to testify other than those witnesses listed in her PHC statement. Such notification shall identify by name any additional witnesses and may be sent by email to District's attorney.

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 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 video conference 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 video conference 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 to call 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 present such evidence.

The parties are ordered to meet and confer no later than August 19, 2026, at 4:00 PM to discuss scheduling witnesses and how much time each witness will take to testify. District's attorney shall initiate the phone call to Parent. The parties shall discuss any issues related to counsel and witnesses appearing by videoconference for hearing, electronically viewing exhibits during the hearing, any subpoenas, and any recordings which are proposed exhibits. The parties shall identify duplicate exhibits in the parties' hearing exhibits and decide which one of the duplicates both parties will use at hearing. 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, District shall inform Parent which proposed witnesses on Student's list are District employees. District shall also identify

the witnesses on Student's list that require a subpoena. District may agree to accept service for a witness under its control or provide Parent with the witness's most recent contact information. These obligations are reciprocal. To the extent applicable, Student is required to do the same regarding the witnesses on District's list and provide the witness's most recent contact information.

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

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(s) 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.

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 District, except as otherwise ordered below.

Parent will testify first. For all witnesses which both parties are calling to testify besides Parent, District will examine each of these joint witnesses first on all issues, and then Parent will examine those joint witnesses on all issues.

The ALJ has discretion to control the order of proof and length of time for the hearing, which can affect the order of witnesses, the hearing schedule and the interrogation of the witnesses. (Evid. Code § 320 [the court in its discretion shall regulate the order of proof]; Ed. Code, § 56505, subd. (h); see also, Code Civ. Proc., § 128 [every court shall have the power to provide for the orderly conduct of the proceedings]; Fed. Rules Evid., rule 611, 28 U.S.C. [the court controls the mode and order of examining witnesses and presenting evidence]; Evid. Code, § 765 [the court controls the interrogation].)

The ALJ finds that because Parent is not an attorney and is a self-represented, requiring District to first do its examination of the witnesses both parties are calling, will promote judicial economy because it will make for a more efficient hearing. Student shall continue to have the burden of proof on all Issues.

WITNESS SCHEDULE

On the first day of hearing, the parties must provide a joint proposed witness schedule for the entire hearing to the ALJ after meeting and conferring with each other. District is responsible for preparing the joint schedule and filing it with OAH and uploading it into Case Center. The schedule should include the first and last name of each witness, which parties are calling each witness to testify, and include dates and time estimates of each witness's expected testimony on an hour-by-hour basis, with breaks in the testimony factored into the schedule. In the event an agreement cannot be reached regarding the schedule, each party shall prepare a separate written schedule.

Both parties must have witnesses available in case there is no agreement on the schedule.

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 unless otherwise ordered. 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

A party may request permission to make an audio recording of the hearing. Permission to make an audio recording is 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 the ALJ goes 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.

The parties' requests to make an audio recording of the hearing are granted. The parties shall be allowed to make an audio recording of the hearing subject to the above conditions and any other orders made at hearing. The parties are prohibited from using artificial intelligence to either record the hearing or transcribe the recording. Smart glasses are prohibited.

VIDEO RECORDING

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

RECORDINGS AS EXHIBITS

There are no recordings which are 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

A party seeking compensatory education should provide evidence regarding the type, amount, duration, and need for any requested compensatory education.

Any party seeking reimbursement for expenditures shall present admissible evidence of these expenditures, or a stipulation to the amount of the expenditures. Documents offered as evidence to support a request for reimbursement must be separated by vendor.

MOTIONS

Parent is contemplating filing a motion to continue to find an attorney. Parent was repeatedly asked if she desired to make that motion at the PHC. Parent stated she did not want to make such motion now, and desired to move forward with the hearing on the current dates.

The parties were informed that 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 video conference 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 representatives and witnesses are

prohibited from passing notes to, exchanging electronic messages with, or signaling the witness in any way while the witness is testifying. Smart glasses are prohibited.

LANGUAGE INTERPRETERS AND REASONABLE ACCOMMODATIONS

Neither party requested an interpreter or accommodations.

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](https://www.dgs.ca.gov/OAH/Services/Page-Content/Office-of-Administrative-Hearings-Services-List-Folder/Request-Reasonable-Accommodations-for-OAH-Legal-Proceedings) 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. Special education hearings are 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 prehearing conference. 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.

Laurie Gorsline

Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings