

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

CULVER CITY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026031026

ORDER FOLLOWING PREHEARING CONFERENCE FOR
HEARING BY VIDEOCONFERENCE DENYING MOTION TO
AMEND AND GRANTING MOTION FOR IN-PERSON
HEARING

AUGUST 18, 2026

On August 17, 2026, Administrative Law Judge Cararea Lucier, 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 Madisyn Aleshire appeared on behalf of Culver City Unified School District, called Culver City. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

HEARING DATES, TIMES, AND LOCATION

MOTION FOR IN-PERSON HEARING

On August 11, 2026, Student filed a request for an in-person hearing based on the need for reasonable accommodations for Parent. On August 13, 2026, Culver City filed a non-opposition.

OAH is authorized to conduct due process hearings by videoconference or telephone. (Cal. Code Regs., tit. 5, § 3082, subd. (g).) However, parties and participants have the right to request reasonable accommodations to participate in a due process hearings. Parent's request for an in-person hearing is granted, based on a need for reasonable accommodations to participate in the due process hearing.

At the PHC, the ALJ and the parties discussed the logistics for an in-person hearing, including:

- The in-person hearing will take place at the offices of OAH in Los Angeles, California.
- All parties and participants are responsible for their own transportation and parking costs associated with attending an in-person hearing.
- All parties and participants are responsible for arranging to take time off work, as applicable, and will not be compensated by OAH for any lost wages or other costs associated with participating in an in-person hearing.

- All parties and participants must have valid picture identification to present at the security station upon entering the building, and must check in upon arrival.
- Both Parent and Culver City must prepare and bring physical copies of all exhibits in evidence binders, in addition to uploading the exhibits to Case Center. The parties must bring four identical copies of their evidence binder: one for the witness; one for the ALJ; one for the opposing party; and one for their own use.

DUE PROCESS HEARING

The hearing will take place on August 25, 26, and 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 six days to complete the hearing. Additional hearing dates will be discussed with the ALJ during the hearing.

HEARING LOCATION

The hearing will take place at:

OAH – Los Angeles, Special Education Division
355 South Grand Avenue, Suite 2200
Los Angeles, California 90071

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. At the PHC, the parties and the ALJ discussed that Student's first issue was outside the two-year statute of limitations. As such, the ALJ dismissed Student's first issue alleged in the complaint. 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

1. Did Culver City deny Student a FAPE by failing to offer in the May 15, 2024 IEP:
 - a. accurate and complete present levels of performance;
 - b. appropriate annual IEP goals, specifically in reading, writing, reading fluency, writing fluency, executive functioning, and social skills; and
 - c. appropriate supports and services, specifically in reading, writing, reading fluency, writing fluency, executive functioning, and social skills?
2. Did Culver City deny Student a FAPE by failing to offer in the April 16, 2025 IEP:
 - a. accurate and complete present levels of performance;
 - b. appropriate annual IEP goals, specifically in reading, writing, reading fluency, writing fluency, executive functioning, and social skills; and

- c. appropriate supports and services, specifically in reading, writing, reading fluency, writing fluency, executive functioning, and social skills?
- 3. Did Culver City deny Student a FAPE by failing to offer in the November 18, 2025 IEP:
 - a. accurate and complete present levels of performance;
 - b. appropriate annual IEP goals, specifically in reading, writing, reading fluency, writing fluency, executive functioning, and social skills; and
 - c. appropriate supports and services, specifically in reading, writing, reading fluency, writing fluency, executive functioning, and social skills?
- 4. Did Culver City deny Student a FAPE by predetermining the April 16, 2025 IEP?
- 5. Did Culver City deny Student a FAPE because the assessments of Student conducted in fall 2025 were legally insufficient?
- 6. Did Culver City deny Student a FAPE by failing to implement the accommodations in Student's November 18, 2025 IEP?

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 reimbursement, including for mileage, compensatory education, independent educational evaluations in psychoeducation, academics, and speech and language, revisions to Student's IEPs prospectively, and modification to Student's past grades.

Culver City filed its response to Student's complaint on April 7, 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.

In addition to uploading the exhibits to Case Center, the parties must prepare and bring to the in-person hearing physical copies of all exhibits in evidence binders. The parties must bring four identical copies of their evidence binder: one for the witness; one for the ALJ; one for the opposing party; and one for their own use.

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. Culver City must use the letter D before the number to identify Culver City's exhibits. For example, S-1 means Student's exhibit 1 and D-1 means Culver City'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.

Culver City's exhibits must include a copy of the school calendar for each school year in question, as well as the current school year.

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 the locations of the in-person hearing and the requirements as set forth above. The parties are responsible for ensuring that witnesses attend the in-person hearing at the designated date and time to testify.

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 5:00 PM on August 20, 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 in person for 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, Culver City shall inform Student which proposed witnesses are Culver City's employees. Parties shall also identify the witnesses on that require a subpoena. A party may agree to accept service for a witness under their control or provide 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(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.

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 Culver City, 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. Student 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.

ELECTRONIC RECORDINGS

AUDIO RECORDING

Each party may 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 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

STUDENT'S AUGUST 11, 2026 MOTION FOR LEAVE TO AMEND

On August 11, 2026, Student filed a motion for leave to amend the due process complaint within 30 days of Culver City producing a complete set of Student's records. Student also asserted an amendment would delay the hearing dates, allowing Student's newly obtained legal counsel to prepare the matter. Parents are currently representing Student *pro per*, and OAH has not received a notice of representation from a legal counsel. Student did not file a proposed amended complaint with the motion.

On August 13, 2026, Culver City filed an opposition to Student's motion, arguing Student failed to comply California Rule of Court 3.1324 because Student failed to file a concurrent amended complaint. Culver City also argued Student's motion included inconsistent statements about the purpose of Student's newly obtained legal counsel.

An amended complaint may be filed when the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or when the hearing officer grants permission. The hearing officer may grant permission at any time more than five days before the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. § 1415(c)(2)(E)(ii).)

Student's motion for leave for to amend is denied. The IDEA allows for a party to amend a complaint, as the discretion of the ALJ, any time more than five days before the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) The IDEA does not include a right to discovery or an open-ended continuance while parties argue about whether all student records have been timely and adequately produced. Student filed the complaint on March 23, 2026, and has had over four months to attempt to amend the complaint.

Additionally, Student failed to file the proposed amended complaint, as required by the IDEA, when seeking to amend. As such, Student's August 11, 2026 motion for leave to amend is denied. However, Student still has the right to file a new motion to amend, and amended complaint, within the timelines and processes in the IDEA.

OTHER MOTIONS

Student's motion for a protective order related to Culver City's subpoenas duces tecum and Culver City's motion to quash Student's subpoena duces tecum will be addressed in a separate order.

On August 18, 2026, Student filed a motion to amend and amended complaint. Culver City has three business days to respond, at which time the ALJ will issue a written order.

Parent intends to bring additional motions, including a motion to exclude the testimony of Student, based upon his age and disabilities. Parent also intends to bring a motion to compel Culver City to produce records, and a motion to compel Culver City to fund independent educational evaluations.

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 in the in-person due process hearing 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. 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.

LANGUAGE INTERPRETERS AND REASONABLE ACCOMMODATIONS

As described above, Student's request for the reasonable accommodation of an in-person hearing is granted. Student's request for OAH to provide a laptop computer to take notes during the in-person hearing is denied, as Parent did not show she required a computer to participate in the in-person hearing. OAH will provide a paper note pad and pen at the hearing for Parent to take notes. Student's request for OAH to pay Parent's parking costs for an in-person hearing is denied. Parent did not demonstrate she required funding for parking as a reasonable accommodation to participate in the due process hearing. Additionally, the offices of OAH, Los Angeles, are accessible via public transportation.

Neither party requested any additional accommodations or a language interpreter. 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.

Cararea Lucier

Cararea Lucier

Administrative Law Judge

Office of Administrative Hearings