BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

WINDSOR UNIFIED SCHOOL DISTRICT, SONOMA COUNTY OFFICE OF EDUCATION AND PINER OLIVET UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2026081061

ORDER FOLLOWING PREHEARING CONFERENCE FOR HEARING BY VIDEOCONFERENCE AND GRANTING MOTION TO AMEND COMPLAINT

NOVEMBER 2, 2026

On October 30, 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.

Attorney Daniel Shaw appeared on behalf of Student. Attorneys Heather Edwards and Julia Offutt appeared on behalf of Windsor Unified School District. The PHC was recorded. Based upon discussion with the parties, the ALJ issues the following order:

HEARING DATES, TIMES, AND LOCATION

MOTION TO AMEND COMPLAINT AND THE DUE PROCESS HEARING

On August 26, 2026, Student filed a Due Process Hearing Request, referred to as a complaint, with OAH, naming Windsor Unified. The complaint alleges that during the 2025-2026 school year and the 2026-2027 school year Windsor Unified failed to make an appropriate offer and implement Student's individualized education program, or IEP, among other things.

On October 27, 2026, Student filed a motion to amend the complaint to add two new parties, Sonoma County and Piner Olivett Unified, and a proposed amended complaint. The proposed amended complaint alleges that during the 2025-2026 school year, Windsor Unified placed Student in a Sonoma County special day class operated on the campus of Piner Olivet Unified. Student's amended complaint appears to add Sonoma County to all of the claims he made against Windsor Unified in the complaint, in addition to adding new claims against both of these respondents for the 2026-2027 school year. Student also alleges additional claims against both Sonoma County and Piner Olivet Unified for the 2026-2027 school year.

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).)

Here, the motion to amend was filed more than five days prior to the due process hearing, so the motion was timely filed, and at the PHC, Windsor Unified's attorney stated that Windsor Unified did not oppose the motion. Many of the new claims appear to cover the same period which was at issue in the original complaint. Accordingly, the amended complaint is deemed filed on the date of this written order. All applicable timelines shall be reset as of the date of this written order. OAH will issue a scheduling order with the new dates.

Student shall serve a copy of this order on respondents Sonoma County and Piner Olivet and file proof of service of having done so with OAH. A copy of the proof of service shall also be served on all respondents.

UPDATED PREHEARING CONFERENCE STATEMENTS

The parties shall timely file updated PHC statements before the date of the next PHC. Education Code section 56505, subdivision (e)(6) requires Student to inform the Respondents at least 10 days before the hearing, as to what issues Student believes are the issues to be decided at the hearing. The ALJ reminded counsel that whether a student was offered a free appropriate public education, or FAPE, is determined by looking at what was reasonable at the time the IEP was developed, rather than in hindsight. This is commonly referred to as "the snapshot rule." (See, *J.W. v. Fresno* (9th Cir. 2010) 626 F.3d 431, 439; *Adams v. State of Oregon* (9th Cir. 1999) 195 F.3d 1141, 1149, citing *Fuhrmann v. East Hanover Board of Education* (3d Cir. 1993) 993 F.2d 1031.)

As listed in his PHC Statement, Student's issues are unclear and vague because Student has failed to identify the IEPs at issue. Particularly, Student's PHC statement

fails to identify which IEP offer(s) he was challenging for each of the sub-issues listed in issues 1 and 2. Student also fails to identify the IEPs which were not implemented and which IEP offer was not clear. Accordingly, so that Student makes clear what issues he intends to proceed with at hearing on the amended complaint and the ALJ understands the issues required to be decided at hearing, Student is ordered to do the following:

In his updated PHC Statement for the amended complaint issues 1 through 3, Student shall for each sub-issue where he challenges the IEP offer or he claims the IEP offer was not clear, Student shall identify the IEPs at issue by date. For each implementation sub-issue, Student shall identify by date the IEP(s) he contends was not implemented. In issue 3a, Student shall also identify the date of the IEP team meeting he contends a representative of Piner Olivet was not present. Student shall also clarify in issue 1(f) whether "provide" means offer or implement, or both, or something else. The use of the word "provide" is vague and unclear.

PARTICIPANT INFORMATION FORM

Windsor Unified failed to file a Participant Information Form. At least two days before the next PHC, all parties shall timely file a 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.

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 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.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings