BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ALHAMBRA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025101049

ORDER AMENDING ISSUES, SETTING NEW EVIDENCE DISCLOSURE DATE, AND CONTINUING HEARING

JANUARY 28, 2026

On December 27, 2025, Parent, on behalf of Student filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Alhambra Unified School District as respondent. On November 18, 2025, following a determination that the originally filed complaint was insufficient, Student filed her amended complaint.

ISSUE UPDATES

On January 12, 2026, OAH conducted a prehearing conference, also called a PHC. During that PHC, the issues were clarified by the prehearing conference Administrative

Law Judge, also called an ALJ. The clarified issues were stated in the prehearing conference order.

On January 27, 2026, the hearing in this case was convened by a different ALJ. After opening procedures were completed, Parent called herself as a witness and began testifying. The hearing was adjourned early to allow Parent the opportunity to organize her presentation. Parent's testimony continued the next day, January 28, 2026. At approximately 10:10 AM, Parent sought the opportunity to present evidence that speech and counseling services were not implemented, drawing an objection from Alhambra that those elements of the IEP were not include in the issues. Parent stated they were included in her complaint and she intended them to be included in the issues being heard. She said she thought they were included, referencing the words "related services" in the issue statements of the PHC order.

Alhambra argued that counsel for Alhambra and Parent participated in an extensive discussion regarding issue clarification during the PHC. Alhambra asserted Parent knew about motions and had responded to motions Alhambra made. Parent is self-represented and has no legal training.

The undersigned recessed the hearing from 10:12 AM on January 27, 2026 to 10:35 hoping to clarify the matter with reference to the PHC recording. The PHC was nearly two hours long, however. A short break did not allow adequate time to understand the PHC discussions. The ALJ informed the parties she would review the rest of the recording during lunch. The hearing continued only on the topic of specialized academic instruction, which all agreed was an issue in the case, until the 12:30 PM lunch break.

The undersigned reviewed the pertinent parts of the PHC recording and the amended request for due process hearing, referred to as the complaint, during the break. A comparison of the complaint and the PHC discussion confirmed that Parent clearly stated she intended to assert that Student was denied a free, appropriate education, or FAPE because specialized academic instruction, speech, and counseling were not implemented as required by the operative IEP, from the seventh grade to the ninth grade. Additionally, Parent said she was asserting Alhambra denied FAPE by failing to consider Student's independent educational evaluation when making the decision to exit Student from special education.

Immediately following the lunch break, the undersigned reconvened the hearing with only Parent and the Alhambra attorneys. The deletions from the issues were described by the undersigned ALJ.

The Ninth Circuit Court of Appeals has confirmed ALJs have the authority to clarify or re-order a party's issue statements However, substantive issue changes that are not agreed by the parties are not allowed. *(J.W. v. Fresno Unified Sch. Dist*. (9th Cir. 2010) 626 F.3d 431, 442-443; *Ford v. Long Beach Unified Sch. Dist*. (9th Cir. 2002) 291 F.3d 1086, 1090.)

In this case, Student's allegations that Alhambra denied her a FAPE by failing to implement speech and counseling services were articulated in the amended complaint. Student also asserted a claim that she was denied FAPE due to Alhambra's failure to consider Student's independent educational evaluation when making the decision to exit Student from special education. As none of these were included in the statement of issues in the original PHC order, the issues will be amended, and the case continued so the parties can prepare for and upload evidence accordingly.

AMENDED ISSUE STATEMENT

The following amended issues will be the issues heard when this hearing resumes on February 18, 2026:

1. Did Alhambra deny Student a FAPE during the 2023-2024 school year beginning October 27, 2023 by materially failing to implement the April 12, 2022 IEP services of specialized academic instruction, speech and language, and counseling?
2. Did Alhambra deny Student a FAPE during the 2024-2025 school year by materially failing to implement the April 12, 2022 IEP services of specialized academic instruction, speech and language, and counseling?
3. Did Alhambra deny Student a FAPE by failing to consider Student's independent educational evaluation when deciding whether to exit Student from special education?
4. Did Alhambra deny Student a FAPE at the IEP team meetings held on January 21 and February 13, 2025 by finding Student ineligible for special education and related services?
5. Did Alhambra deny Student a FAPE during the 2025-2026 school year through the date the amended complaint was filed, November 18, 2025, by materially failing to implement the April 12, 2022 IEP services of specialized academic instruction, speech and language and counseling?

The parties are responsible for carefully reviewing the amended issues as stated in this order. A party believing that an issue has been misstated or improperly omitted shall promptly file a notice in writing, by Friday, February 13, 2026 at 5:00 PM, stating its concern and referring to supporting portions of the complaint.

HEARING CONTINUANCE

The parties have been granted a continuance to prepare to present their evidence and examine witnesses as to the amended issues in this case. As the expansion and addition of issues to those stated in the PHC order may impact preparation of the case as a whole, the continuance will also allow the parties additional time to upload evidence to Case Center.

OAH must conduct a due process hearing and render a decision within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) A judge shall dispose of all judicial matters fairly, promptly, and efficiently. However, a judge has the obligation to manage the courtroom in a manner that provides all litigants the opportunity to have their matters fairly adjudicated in accordance with the law. (California Canons of Judicial Conduct, Canon 3(B)(8).)

In order to ensure all issues pled in the complaint are heard, the hearing is continued to February 18, and 19, 2026 at 9:30 AM. No hearings are being conducted on Tuesday, February 17, 2026 due to the President's Day holiday. After the scheduled dates, if additional time is needed for the hearing, the case will proceed on Tuesdays, Wednesdays, and Thursdays, at the discretion of the ALJ. Please schedule witnesses accordingly.

DEADLINE FOR ADDITIONAL EVIDENCE

The parties have until 5:00 PM on Wednesday, February 11, 2026 to upload documents. As discussed prior to granting the hearing continuance, the parties are not

limited to uploading documents solely as to the new issues. The parties may raise any objections they deem meritorious as to any document offered during hearing. Documents offered as evidence should include all pages of the original document whenever possible. Incomplete documents offered as evidence may be subject to objection and exclusion.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings