BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

WALNUT VALLEY UNIFIED SCHOOL DISTRICT,

and

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2026031218

OAH CASE NUMBER 2026020438

ORDER CONFIRMING ISSUES FOR HEARING

MAY 4, 2026

On April 13, 2026, the Office of Administrative Hearings, held a prehearing conference by videoconference. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC.

During the PHC, the Administrative Law Judge, called an ALJ, had a lengthy discussion with the parties and clarified the issues in both parties' complaints as allowed by the holdings in *J.W. v. Fresno Unified Sch. Dist*. (9th Cir. 2010) 626 F.3d 431, 442-443, and *Ford v. Long Beach Unified Sch. Dist.* (9th Cir. 2002) 291 F.3d 1086, 1090. (But see *M.C. v. Antelope Valley Union High Sch. Dist*. (9th Cir. 2017) 858 F.3d 1189, 1196, fn. 2 [dictum].) No change in substance was made.

Following the PHC, Student filed an objection to two of the issues as clarified and reorganized in the PHC order. The ALJ addressed Student's objections on the record on the first day of the hearing. The ALJ confirmed the following issues for the hearing.

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

WALNUT VALLEY'S ISSUE

1. Was the March 25, 2024, Multidisciplinary Assessment appropriate, such that Walnut Valley is not required to fund independent educational evaluations in psychoeducation, speech and language, occupational therapy, and adapted physical education?

STUDENT'S ISSUES

2. Did Walnut Valley deny Student a FAPE by failing to offer speech and language goals to address Student's functional communication, self-advocacy, and safety-related expressive language needs, and revise those goals as necessary between February 9, 2024, and February 9, 2026?
3. Did Walnut Valley deny Student a FAPE by failing to offer speech and language services to address Student's functional communication, self-advocacy, and safety-related expressive language needs, and revise those services as necessary between February 9, 2024, and February 9, 2026?
4. Did Walnut Valley deny Student a FAPE by failing to conduct an adequate occupational therapy assessment, dated March 2024?
5. Did Walnut Valley deny Student a FAPE, by significantly impeding Parent's ability to participate in the IEP process, or by causing a deprivation of educational benefit, by failing to provide Parent with prior written notice

of its decision to not offer occupational therapy services in the March 2024 IEP?

6. Did Walnut Valley deny Student a FAPE, by significantly impeding Parent's ability to participate in the IEP process, by failing to provide Parent with a copy of the March 2024 occupational therapy report, related data on Student's occupational therapy needs, and a draft copy of the IEP prior to, or during, the March 2024 IEP team meeting?
7. Did Walnut Valley deny Student a FAPE by failing to offer occupational therapy services in the March 2024 IEP?
8. Did Walnut Valley deny Student a FAPE by failing to provide Parent the March 2024 occupational therapy report and related data on Student's occupational therapy needs in Mandarin verbally or in writing during the IEP team meeting or after such that Parent's consent to the March 2024 IEP was not informed consent as defined by special education law?
9. Did Walnut Valley deny Student a FAPE, from March 25, 2024, through February 9, 2026, by failing to offer adequate replacement supports when it no longer offered occupational therapy services which resulted in functional regression and safety-related incidents and/or elevated risk at school?
10. Did Walnut Valley deny Student a FAPE during the 2025-2026 school year, by failing to appropriately convene an IEP team meeting when Parent requested that Student be retained in fifth grade on November 20, 2025?

11. Did Walnut Valley deny Student a FAPE by failing to retain Student in fifth grade for the 2026-2027 school year?

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi

Administrative Law Judge

Office of Administrative Hearings