BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. TEMECULA VALLEY UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016060613 ORDER RESTATING ISSUES FOR HEARING

TO ALL PARTIES AND THEIR COUNSEL/REPRESENTATIVE OF RECORD:

At the commencement of the hearing after a discussion of the issues with the parties, Administrative Law Judge, Laurie Gorsline, clarified the issues stated in the September 12, 2016 Order Following Prehearing Conference. The issues for hearing are clarified as follows:[1]

Phase One of Bifurcated Hearing:

1. Does an exception to the two-year statute of limitations apply because Parent was prevented from timely requesting the due process hearing due to:

   a. Specific misrepresentations by District that it had solved the problem forming the basis of the due process hearing request; or

   b. The withholding of information by District from the parent that was required to be provided to parent that would permit the tolling of the statute of limitations?

Phase Two of Bifurcated Hearing:

1. Did District deny Student a free appropriate public education in the January 2013 individualized education program by failing to:

   a. Offer appropriate goals;
   b. Offer appropriate transition services;

[1] The issues have been renumbered and rephrased for clarity. The ALJ has authority to redefine a party's issues, so long as no substantive changes are made. (*J.W. v. Fresno Unified School Dist.* (9th Cir. 2010) 626 F.3d 431, 442-443.)

c. Offer appropriate transition planning;

2. Did District deny Student a FAPE in the January 2014 IEP by failing to:

a. Offer appropriate goals;
b. Offer appropriate transition services;
c. Offer appropriate transition planning;

3. Did District deny Student a FAPE by failing to hold an IEP meeting to discuss Student's Summary of Performance?

4. Did District deny Student a FAPE by failing to provide prior written notice before exiting Student from special education?

5. Did District deny Student a FAPE by improperly awarding Student a high school diploma and exiting her from special education at the end of the 2013-2014 school year?

Closing Written Briefs on Phase One

As discussed during the hearing, the written closing briefs regarding the issues in phase one of the bifurcated hearing shall be filed with OAH and served on the opposing party by October 25, 2016 at 4:00 p.m.

IT IS SO ORDERED.

DATE: October 11, 2016

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LAURIE GORSLINE
Administrative Law Judge
Office of Administrative Hearings