BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SANTA CRUZ CITY SCHOOLS.

OAH CASE NUMBER 2025060821

ORDER GRANTING REQUEST FOR RESTATEMENT OF ISSUES FOLLOWING PREHEARING CONFERENCE

SEPTEMBER 22, 2025

On September 12, 2025, Administrative Law Judge, called ALJ, Cynthia Fritz of the Office of Administrative Hearings, called OAH, convened the prehearing conference in this matter. On September 15, 2025, OAH issued an order following the prehearing conference, called PHC. In this Order, ALJ Fritz dismissed Student's breach of settlement agreement claims and claims alleging misconduct regarding, and misrepresentation of, a prior settlement between Parents and a different school district. This determination dismissed Student's originally numbered Issues 2, 5, 6, 7, and part of Issue 4. ALJ Fritz further ordered that Parent may not relitigate the stay put issue which was already adjudicated. This determination dismissed Student's originally numbered Issue 10. ALJ Fritz reorganized and rewrote the issues to reflect OAH's jurisdictional purview. A FAPE

means a free appropriate public education. An IEP means individualized education program. Specifically, the Order Following PHC identified the issues as follows:

ISSUES

1. Did Santa Cruz City Schools deny Student FAPE by failing to hold a transition meeting after Parent's March 10, 2025 request?
2. Did Santa Cruz City Schools deny Student FAPE at the May 2025 IEP team meeting by:
    a. failing to consider Parent's concerns that Student made negligible progress on his IEP goals in middle school, and the need for one to one tutoring services at the May 2025 IEP team meeting;
    b. predetermining Student's IEP offer by not giving Student one to one tutoring services; and
    c. failing to offer one to one tutoring services?

On September 19, 2025, Student filed a Request for Restatement of Issues Following PHC. Student requests three changes to the statement of issues. First, Student asks OAH to include originally numbered Issue 3 in the statement of issues. Student's Issue 3 alleged Santa Cruz City Schools failed to provide prior written notice when initiating a change to Student's educational placement. Second, Student requests the time frame for Issue 2 extend beyond the date of the May 2025 IEP team by including the phrase "or subsequent to." Specifically, Student asks Issue 2 read, "Did Santa Cruz City Schools deny Student FAPE at or subsequent to the May 2025 IEP team meeting by… ." Third, Student requests that Issue 2 include a sub-issue of failing to include Parents as part of the IEP team.

On September 19, 2025, Santa Cruz City Schools filed an opposition. Santa Cruz argues Student's request is untimely. Santa Cruz asserts that granting the request will prejudice Santa Cruz as it has met and conferred with Parents and agreed to a witness schedule, and the time for evidence exchange has passed. Santa Cruz asserts ALJ Fritz had an extensive discussion with parties regarding the issues at the PHC. Further, Santa Cruz argues that Parents did not mention any concerns with the issues as framed in the PHC Order at the September 17, 2025 meet and confer with Santa Cruz. Santa Cruz contends that Student's complaint only encompassed a denial of FAPE at the May 2025 IEP team meeting, not at any time subsequent to that meeting. On September 22, 2025, Student filed a reply.

Student timely filed his request for restatement of issues. Santa Cruz' assertion of prejudice does not override Student's right to litigate issues fairly encompassed within the complaint and which are within OAH's jurisdiction. In reviewing the complaint, the PHC recording, and the PHC Order, the undersigned grants, in part, Student's request for restatement of the issues.

Student's complaint in originally numbered Issue 3 and part of Issue 4 alleged a failure to timely provide prior written notice regarding what Student asserts is a change to Student's educational placement. This issue will be captured in the restatement of issues.

Student's complaint in originally numbered Issue 8 identified a failure to include Parents as part of the IEP team, in addition to the failure to consider their concerns. This will be captured in a separate sub-issue in the restatement of issues.

Student's request to expand the time frame for the FAPE denial related to the May 2025 IEP team meeting is granted, but not for the unlimited prospective timeframe

requested by Student. Student's complaint alleged Santa Cruz failed to include Parents as team members or consider their concerns in the development of the May 2025 IEP. Whether this expanded beyond the date of the IEP team meeting is subject to proof at hearing and is limited to the development of the May 2025 IEP. Having granted Student's request for restatement of issues, the Issues for hearing will be as follows:

ISSUES

1. Did Santa Cruz City Schools deny Student FAPE by failing to hold a transition meeting after Parent's March 10, 2025 request?
2. Did Santa Cruz City Schools deny Student a FAPE by failing to timely provide prior written notice when making a change to Student's educational placement?
3. Did Santa Cruz City Schools deny Student FAPE in developing the May 2025 IEP by:
    a. Failing to include Parents as part of the IEP team;
    b. Failing to consider Parent's concerns that Student made negligible progress on his IEP goals in middle school, and the need for one to one tutoring services;

c. Predetermining Student's IEP offer by not giving Student one to one tutoring services; and

d. Failing to offer one to one tutoring services?

IT IS SO ORDERED.

Theresa Ravandi

Theresa Ravandi

Administrative Law Judge

Office of Administrative Hearings