BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

PARENT ON BEHALF OF STUDENT,

v.

GUADALUPE UNION SCHOOL DISTRICT,

OAH CASE NUMBER 2021010198

and

GUADALUPE UNION SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2021020316

ORDER GRANTING REQUEST FOR WITHDRAWAL AND CORRECTION OF ISSUES

MARCH 01, 2021

On February 19, 2021, the Office of Administrative Hearings, called OAH, held a prehearing conference, called a PHC, in this matter. The PHC was memorialized in an Order Following Prehearing Conference for Hearing by Videoconference issued February 23, 2021. That Order defined the issues to be heard at the due process hearing set to begin on March 2, 2021, and invited any party not satisfied with the formulation of any issues to file a written request for changes in those issues.

On February 26, 2021, Student filed a Notice of Withdrawal of One Issue for Hearing and Corrections of Issues as Determined by PHC Order, withdrawing one issue and requesting certain corrections in the formulation of three other issues. On February 26, 2021, Guadalupe Union filed a notice of non-opposition to the withdrawal and request for changes.

Student's request is granted. Issue Number One is withdrawn, and the subsequent issues are renumbered accordingly. The changes requested are accepted and are made in the following Amended Statement of Issues for Hearing. Issues 1(a) and 1(c), formerly issues 2(a) and 2(c), and issues 2 and 3, formerly issues 3 and 4, are changed.

The Amended Statement of Issues for Hearing follows:

STUDENT'S ISSUES

Did Guadalupe Union deny Student a free appropriate public education, called a FAPE, from May 12, 2020, to January 8, 2021, by:

1. Lying to Parents and thereby preventing them from meaningfully participating in decisions concerning Student's educational program by:

a. Falsely claiming that Parents had not provided results of GARS and EDDT questionnaires in time to be included in the triennial assessment in fall 2020;
b. Falsely describing in a letter of December 14, 2020, what had happened at an individualized education program, called an IEP, team meeting on October 7, 2020; and
c. Falsely claiming that Parents have prevented Guadalupe Union from offering or implementing special education services in its "October 7, 2020 IEP" document, by not signing it that day, as the District did not offer the family an IEP to sign until December 14, 2020;

2. Failing to make a timely annual IEP offer by October 7, 2020; and
3. Failing to provide certain translated IEP documents for the October 7, November 10 and December 1, 2020 IEP team meetings, and by providing inconsistent and inadequate translation services at the November 10, 2020 IEP team meeting?

GUADALUPE UNION'S ISSUE:

Was Guadalupe Union's October 7, 2020 multidisciplinary triennial assessment appropriate, so that Parents are not entitled to an independent educational evaluation at the District's expense?

The above Amended Statement of Issues for Hearing supersedes the statement of issues in the Order Following PHC issued on February 23, 2021.

All other provisions of the Oder Following PHC, and all hearing dates, are confirmed.

Charles Marson

Charles Marson
Administrative Law Judge
Office of Administrative Hearings