BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

V.

GOLETA UNION SCHOOL DISTRICT.

OAH CASE NUMBER 2022020266

ORDER CLARIFYING ISSUES FOR HEARING

SEPTEMBER 28, 2022

On September 12, 2021, Administrative Law Judge Chris Butchko, Office of Administrative Hearings, held a prehearing conference by videoconference. The Administrative Law Judge is called an ALJ. The Office of Administrative Hearings is called OAH. The prehearing conference is called a PHC. OAH issued an Order Following Prehearing Conference dated September 12, 2022.

Administrative Law Judge Laurie Gorsline held the due process hearing by videoconference beginning on September 27, 2022. Andrea Marcus appeared on behalf of Student. Melissa Hatch, Attorney at Law, appeared on behalf of Goleta Union School District. At the outset of the hearing on September 27, 2022, the parties had a discussion to clarify the issues for hearing. During that discussion, Student withdrew those issues enumerated in the PHC Order as Issues 1.a.iv. and 1.h. Based upon the

ALJ's review of the complaint, Student's Amended Prehearing Conference Statement, the PHC Order and the discussion with the parties, the ALJ issues the following order which clarifies the issues at the due process hearing:

ISSUES

The issues at the due process hearing are:

1. Did Goleta Union School District deny Student a free appropriate public education, or FAPE, in the two-year period prior to the filing of the complaint by:
   A. Failing to assess Student in all areas of suspected disability, specifically:
      i. Autism in preparation for the January 4, 2022 triennial review?
      ii. Social/emotional functioning, specifically, failing to conduct any formal assessments of Student in this area after August 30, 2021?
      iii. Academics, specifically, failing to conduct any formal assessments of Student in this area in preparation for his January 4, 2022 triennial review?
   B. Failing to timely conduct the special circumstance instructional assistance assessment after obtaining a signed assessment plan from Parent in September 2021?
   C. Failing to address bullying of Student at school during the 2021-2022 school year resulting in lost educational benefit?
   D. Failing properly provide incident reports during the 2021-2022 school year involving injuries to Student, thereby significantly impeding the opportunity of Parent to participate in the decision-making process regarding the provision of a FAPE to Student?

E. Predetermining a change in Student's eligibility category in Student's 2022 triennial individualized education program and at the January 4, 2022 IEP team meeting, without conducting a comprehensive triennial evaluation?

F. Failing to provide an adequate prior written notice for denying Parent's April 20, 2021 request to reassess Student in the areas of speech, behavior, and math?

G. Failing through the date of filing the complaint to implement the September 3, 2021 IEP by not providing a one-to-one aide?

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline

Administrative Law Judge

Office of Administrative Hearings