BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2023100526

ORDER CLARIFYING ISSUES FOR HEARING

APRIL 9, 2024

On March 29, 2024, 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 on April 3, 2024.

On April 8, 2024, Student filed an amended PHC statement expanding the issues clarified during the March 29, 2024, PHC.

ALJ Linda Dowd commended the due process hearing by videoconference on April 9, 2024. Parent appeared on behalf of Student. Attorney Patrick Balucan appeared on behalf of Los Angeles Unified School District. At the outset of the hearing on April 9,

2024, the parties had a discussion to clarify the issues for hearing. During that discussion, Los Angeles agreed the issues Student raised in his amended PHC statement were encompassed in Student's amended complaint filed on December 12, 2023. Based upon the ALJ's review of the amended complaint, Student's amended PHC statement, and the discussion with the parties, the ALJ issues the following Order which clarifies the issues for the due process hearing.

ISSUES

A free appropriate public education is referred to as a FAPE. An individualized education program is referred to as an IEP.

1. Did Los Angeles deny Student a FAPE from October 16, 2021, through December 15, 2023, when it failed to identify, locate, or evaluate Student as a child with disabilities?
2. Did Los Angeles deny Student a FAPE from October 16, 2021, through December 15, 2023, by failing to evaluate Student in a timely manner in all suspected areas of need and disability, specifically:
    a. sensory processing,
    b. executive functioning,
    c. reading and written language,
    d. occupational therapy needs,
    e. mental health, or
    f. functional behavior?
3. Did Los Angeles's failure to identify, locate, or evaluate Student in all areas of suspected disability from October 16, 2021, through December 15, 2023, deny Parent the opportunity to participate in the decision-making process?

4. Did Los Angeles deny Student a FAPE from October 16, 2021, through the end of the 2021-2022 school year, by failing to offer goals to meet Student's needs for:
    a. academics,
    b. counseling,
    c. behavior,
    d. social skills, or
    e. occupational therapy?
5. Did Los Angeles deny Student a FAPE from October 16, 2021, through the end of the 2021-2022 school year, by failing to offer and provide accommodations to meet Student's needs for:
    a. anxiety,
    b. attention,
    c. behavior,
    d. depression,
    e. executive functioning,
    f. counseling,
    g. occupational therapy, or
    h. social skills?
6. Did Los Angeles deny Student a FAPE from October 16, 2021, through the end of the 2021-2022 school year, by failing to offer and provide services to meet Student's needs for:
    a. therapeutic counseling,
    b. occupational therapy,
    c. social skills, or
    d. behavior?

7. Did Los Angeles deny Student a FAPE from October 16, 2021, through the end of the 2021-2022 school year, by failing to offer a placement to meet Student's needs?
8. Did Los Angeles deny Student a FAPE during the 2022-2023 school year, by failing to offer goals to meet Student's needs for:
    a. academics,
    b. counseling,
    c. behavior,
    d. social skills, or
    e. occupational therapy?
9. Did Los Angeles deny Student a FAPE during the 2022-2023 school year, by failing to offer and provide accommodations to meet Student's needs for:
    a. anxiety,
    b. attention,
    c. behavior,
    d. depression,
    e. executive functioning,
    f. counseling,
    g. occupational therapy, or
    h. social skills?
10. Did Los Angeles deny Student a FAPE during the 2022-2023 school year, by failing to offer and provide services to meet Student's needs for:
    a. therapeutic counseling,
    b. occupational therapy,
    c. social skills, or
    d. behavior?

11. Did Los Angeles deny Student a FAPE during the 2022-2023 school year, by failing to offer a placement to meet Student's needs?
12. Did Los Angeles deny Student a FAPE during the 2023-2024 school year through December 15, 2023, by failing to offer goals to meet Student's needs for:
    a. academics,
    b. counseling,
    c. behavior,
    d. social skills, or
    e. occupational therapy?
13. Did Los Angeles deny Student a FAPE during the 2023-2024 school year through December 15, 2023, by failing to offer and provide accommodations to meet Student's needs for:
    a. anxiety,
    b. attention,
    c. behavior,
    d. depression,
    e. executive functioning,
    f. counseling,
    g. occupational therapy, or
    h. social skills?
14. Did Los Angeles deny Student a FAPE during the 2023-2024 school year through December 15, 2023, by failing to offer and provide services to meet Student's needs for:
    a. therapeutic counseling,
    b. occupational therapy,

c. social skills, or

d. behavior?

15. Did Los Angeles deny Student a FAPE during the 2023-2024 school year through December 15, 2023, by failing to offer a placement to meet Student's needs at the IEP team meetings held on:

a. September 22, 2023,

b. September 28, 2023,

c. November 2, 2023, and

d. December 6, 2023?

IT IS SO ORDERED.

Linda Dowd

Linda Dowd

Administrative Law Judge

Office of Administrative Hearings