BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: LOS ANGELES UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT,	OAH Case No. 2016060696
PARENT ON BEHALF OF STUDENT, v. LOS ANGELES UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016061298 NOTICE OF RESTATED ISSUES AGREED TO BY THE PARTIES ON THE FIRST DATE OF HEARING; NOTICE OF CONTINUED HEARING DATES; AND ORDER OF FILING OF ADA COMPLIANCE

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

On September 20, 2016, the first day of the hearing in this consolidated matter, Administrative Law Judge, Sabrina Kong, clarified the issues stated in the September 13, 2016 Order Following Pre-Hearing Conference, and restated the issues with the parties' agreement as follows:

Student's Issues:

1. Did District deny Student a free appropriate public education from July 27, 2014-July 27, 2016 by failing to conduct: (a) a behavioral assessment; and (c) an assistive technology assessment?[1]

2. Did District deny Student a FAPE from July 27, 2014-July 27, 2016 by failing to conduct an appropriate: (a) speech and language assessment; and (b) a transition assessment?

[1] Student withdrew the issue regarding District's failure to conduct an educationally related mental health assessment on the first day of hearing.

3. Did District deny Student a FAPE by failing to conduct a triennial assessment by, or before, March 13, 2016?

4. Did District deny Student a FAPE by failing to ensure that a (a) general education teacher was present at the (i) January 14, 2015 IEP team meeting; (ii) February 29, 2016 IEP team meeting; and (iii) May 18, 2016 IEP team meeting; and (b) transition service provider was at the January 14, 2015 IEP team meeting?

5. Did District deny Student a FAPE by failing to provide a prior written notice to Parent regarding the District's recommendation to terminate speech and language services at the February 29, 2016 IEP team meeting?

6. Did District deny Student a FAPE from July 27, 2014-July 27, 2016 by: (a) impeding his Parent's right to participate in the IEP process at the (i) January 14, 2015 IEP team meeting; (ii) February 29, 2016 IEP team meeting; and (iii) May 18, 2016 IEP team meeting; (b) predetermining its offer of general education placement at Vista High School, and services including speech and language services, counseling services, behavioral services, assistive technology services, and transition services at the (i) January 14, 2015 IEP team meeting; (ii) February 29, 2016 IEP team meeting; and (iii) May 18, 2016 IEP team meeting?

7. Did District deny Student a FAPE by failing to provide a performance summary at the May 18, 2016 exit IEP team meeting?

8. Did District deny Student a FAPE by failing to respond to Parent's April 26, 2016 written request for Student's educational records?

9. Did District deny Student a FAPE by failing to offer and provide Student: (a) at the January 14, 2015 IEP team meeting with appropriate: (i) placement; (ii) speech and language services; (iii) counseling services; (iv) behavioral services; (v) assistive technology services; and (vi) transition services; and (b) at the February 29, 2016 IEP team meeting with appropriate: (i) placement; (ii) speech and language services; (iii) counseling services; (iv) behavioral services; (v) assistive technology services; and (vi) transition services?

10. Did District deny student a FAPE at the end of the 2015-2016 school year by inappropriately: (a) awarding him a high school diploma and graduating Student; and (b) terminating him from special education related services?

District's Issue:

1. Was District's February 1, 2016 speech and language assessment appropriate such that Student is not entitled to an independent educational evaluation at the public's expense?

After reviewing District's Motion to Exclude Evidence and Motion to Shift Expenses, and Student's Opposition to the Motions, and accepting oral arguments, the ALJ denied both Motions. Based on District's argument that it had four and a half days, instead of five days, to review Student's untimely service of documentary evidence, the ALJ continued the hearing to allow District extra days to review Student's documentary evidence. The hearing is continued to September 22, 28, 29, October 4, and 5, 2016, and continuing day to day, Monday through Thursday, at the ALJ's discretion. The hearing shall begin at 9:00 a.m. on all days, except on September 22, 2016, on which day the hearing shall begin at 9:30 a.m., unless otherwise ordered. The hearing shall be held at the Parent Engagement Center located at 1208 Magnolia Avenue, Gardena, CA 90247.

District will be filing with OAH before September 22, 2016 that the hearing location is compliant with the American with Disability Act of 1990 (42 U.S.C.A. § 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.), the Unruh Civil Rights Act (Civ. Code, § 51 et seq.), and all laws governing accessibility of government facilities to persons with disabilities.

IT IS SO ORDERED.

DATE: September 21, 2016

DocuSigned by:
Sabrina Kong
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SABRINA KONG
Administrative Law Judge
Office of Administrative Hearings