BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

CORONA-NORCO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022100810

ORDER GRANTING REQUEST FOR CLARIFICATION OF ISSUES FOR HEARING

MARCH 07, 2023

On February 9, 2023, the parties attended a prehearing conference, called a PHC. OAH subsequently issued an order following the PHC, which identified the issues for hearing, as clarified during the PHC.

On February 22, 2023, Student filed a motion for reconsideration to the redrafting of legal issues in the complaint. OAH considered this motion to be one for clarification of the issues identified in the order following PHC.

On February 22, 2023, the first day of hearing, the undersigned ALJ granted Student's motion for clarification. The ALJ discussed and clarified the issues from Student's complaint prior to taking testimony. (*J.W. v. Fresno Unified Sch. Dist*. (9th Cir.

2010) 626 F.3d 431, 442-443; *Ford v. Long Beach Unified Sch. Dist.* (9th Cir. 2002) 291 F.3d 1086, 1090. The issues, as clarified and agreed upon by the parties are set forth below.

ISSUES

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

1. Did Corona-Norco deny Student a FAPE between August 9, 2022, and September 27, 2022, by failing to materially implement Student's May 4, 2021 IEP, by:
   a. failing to implement goals for toileting, snacks, and following directions;
   b. failing to provide specialized vision services;
   c. failing to provide Student's IEP and information to the non-public agency providing services to Student;
   d. failing to implement accommodations related to vision needs, such as reducing visual information on work, providing a font size of 20 points or larger, and using adaptive paper for assignments;
   e. failing to provide pencil support on hand or wrist for assignments;
   f. failing to provide Student adequate support to utilize augmentative communication devices to complete assignments or participate in oral language classwork;
   g. failing to update augmentative communication software;
   h. failing to provide two hours per month of assistive technology consultation; and
   i. failing to provide the correct amount of occupational therapy services?

2. Did Corona-Norco deny Student a FAPE between August 9, 2022, and September 27, 2022, by failing to materially implement the May 26, 2022 IEP amendment, by:
    a. failing to implement multi-modal instruction delivery and presentation of general education curriculum and standards; and
    b. failing to implement accommodations which required simplified and chunked material for mastery of new skills?
3. Did Corona-Norco deny Student a FAPE by failing to offer Student an appropriate IEP and services at the September 28, 2022 IEP team meeting, by:
    a. failing to create appropriately crafted goals in all areas of need, specifically, reading-blending sounds, addition, subtraction, sequencing numbers, behavior, vocation, adaptive-daily living skills, typing, speech, and self-help for toileting and snacks;
    b. failing to obtain accurate baseline data on proposed goals in math, reading, writing, and following directions;
    c. failing to propose a functional behavior assessment;
    d. failing to consider a behavior intervention plan;
    e. failing to offer a fading plan for aide support;
    f. removing specialized vision services;
    g. failing to include a nonpublic agency provider for intensive individual services;
    h. failing to include the nonpublic provider for specialized vision services;
    i. failing to offer appropriate speech and language and occupational therapy services for the 2023 extended school year;

j. failing to appropriately address and and document the percentage of time Student would spend outside of general education;

k. failing to offer a board certified behavior analyst from a nonpublic agency for supervision of the individual behavior services aide;

l. failing to increase speech services as recommended by Student's private speech and language pathologist;

m. failing to offer individual speech and language services to address an articulation goal;

n. failing to accurately list assistive technology devices and services as discussed during the IEP team meeting;

o. documenting the backpack accommodation incorrectly and not consistently with the physical therapist's recommendation made at the meeting; [3.y] and

p. failing to maintain IEP team meeting notes that accurately reflected meeting discussions?

4. Did Corona-Norco deny Student a FAPE at the September 28, 2022 IEP team meeting, by significantly impeding Parents' ability to participate in the decision-making process regarding the development of Student's IEP, by:

a. failing to discuss accommodations and modifications for district benchmark tests;

b. failing to discuss transportation and necessary accommodations for transportation;

c. failing to discuss extended school year, including any changes to extended school year services;

d. failing to discuss accommodations requested by Student's private speech and language pathologist and private occupational therapist;

e. failing to discuss accommodations from Parents' input letter;

f. removing the accommodation of 20-point font without discussion;

g. rewording the accommodation regarding reducing visual information without discussion; and

h. failing to provide Parents with final reports for physical therapy, augmentative alternative communication, and special circumstances instructional assistance?

IT IS SO ORDERED.

Cole Dalton

Cole Dalton
Administrative Law Judge
Office of Administrative Hearings