

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

MILL VALLEY ELEMENTARY SCHOOL  
DISTRICT.

OAH CASE NO. 2011050724

ORDER AFTER HEARING

A due process hearing was held in this matter on November 2-3, and 9-10, 2011. Testimony was completed on November 10, 2011, and exhibits were admitted on the same date. The parties asked to file written closing arguments in brief form, and this request was granted.

The parties shall file written closing arguments no later than close of business on December 5, 2011. The record shall remain open until December 16, 2011, to permit the parties to file reply briefs, if deemed necessary. Reply briefs shall be limited to seven pages in length, and be concerned only with novel issues that a party did not discuss in the initial closing argument. All briefs shall be in 12 point font and double spaced.

The parties are encouraged to address the following in their closing arguments:

1. The evidence that proves or disproves that Student meets the criteria under other health impairment (OHI) for eligibility for special education services, especially in light of his “average scores” in areas related to attention deficit disorder, although his scores in other areas are in the above average to superior range.
2. Case authority for finding a “gifted” student eligible for special education because he is not meeting his potential due to a disability that might qualify him for special education were he not cognitively gifted.
3. Evidence that proves Student’s need for specialized instruction due to OHI.

4. Evidence related to compensatory education, should Student be found eligible due to OHI, as to the amount, type and duration of such compensatory education.

IT IS SO ORDERED.

Dated: November 28, 2011

/s/

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REBECCA FREIE  
Administrative Law Judge  
Office of Administrative Hearings