

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

ELK GROVE UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2014040312

ORDER DISMISSING ISSUES

Hearing in this matter began on August 27, 2014. During review of the issues as set forth in the Order Following Prehearing Conference dated August 18, 2014, Student withdrew three of her issues. Student also objected to the PHC order's framing of Issue 1. During the hearing on August 28, 2014, Student moved to withdraw most of the issues in her case and the motion was granted.

The following issues are dismissed based on Student's withdrawal of them: Issues 1(a) and (c); Issues 2(a), (b), and (c); and Issues 3(b), (c), (d), (e), (g), (h), and (i).

Regarding Issue 1(b), District contended that Student agreed during the telephonic PHC that the issue was withdrawn based on District's offer of an independent educational evaluation. Neither District's attorney, Cathy Holmes, nor Student's attorney, Daniel Shaw, participated in that call and disputed what had occurred. Upon review of the recording of the conference call, it is determined that Student did not withdraw Issue 1(b) and that the PHC order correctly lists it as an issue for hearing.

The following issues remain for hearing: Issue 1(b) as to the legality of District's physical therapy assessments; Issue 3(a) as to the adequacy of physical therapy services; and Issue 3(f) as to Student's safety. These issues are limited to the 2013-2014 school year.

IT IS SO ORDERED.

DATE: August 29, 2014

/s/

DEIDRE L. JOHNSON
Administrative Law Judge
Office of Administrative Hearings