

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

PARENT ON BEHALF OF STUDENT,

V.

TAHOE TRUCKEE UNIFIED SCHOOL DISTRICT AND SIERRA
EXPEDITIONARY LEARNING SCHOOL.

CASE NO 2026050505

DECISION

SEPTEMBER 1, 2026

On May 6, 2026, the Office of Administrative Hearings, called OAH, received a due process hearing request from Parent on behalf of Student, called a complaint. Student's complaint named Tahoe Truckee Unified School District, called Tahoe Truckee, and Sierra Expeditionary Learning School, called Sierra. On May 21, 2026, Student filed an amended complaint. On June 24, 2026, OAH granted a first continuance for the due process hearing related to the amended complaint.

Administrative Law Judge Alexa Hohensee heard this matter by videoconference on July 21 and 22, 2026.

Parent represented Student and attended all hearing days on Student's behalf. Attorneys Matthew Juhl-Darlington and Megan Dyar represented Tahoe Truckee. Annamarie Cohen, Tahoe Truckee's Executive Director of Student Services, attended all hearing days on Tahoe Truckee's behalf. Attorneys Lisa Corr and Ashley De Vance represented Sierra. David Manahan, Sierra's Principal and Director, attended all hearing days on Sierra's behalf.

At the parties' request, the matter was continued to August 13, 2026, for written closing briefs. The record was closed, and the matter was submitted on August 13, 2026.

ISSUES

The issues in this due process matter are stated below. A free appropriate public education is called a FAPE.

1. Did Tahoe Truckee and Sierra deny Student a FAPE during the 2025-2026 school year by failing to timely meet their child find obligation?
2. Did Tahoe Truckee and Sierra deny Student a FAPE during the 2025-2026 school year by willfully withholding mandatory independent study curriculum and subjecting Student to somatic pressure and food deprivation, interfering with Student's ability to access the curriculum?
3. Did Tahoe Truckee and Sierra deny Student a FAPE during the 2025-2026 school year by changing Student's program and providing services without Parent's consent, and attempting to

force Student's exit from Tahoe Truckee and Sierra, significantly impeding Parent's opportunity to participate in the decision-making process?

4. Did Tahoe Truckee and Sierra deny Student a FAPE during the 2025-2026 school year by defaulting on statutory records requests and modifying student records after declaring them available, significantly impeding Parent's opportunity to participate in the decision-making process?

JURISDICTION

This hearing was held under the Individuals with Disabilities Education Act, its regulations, and California statutes and regulations. (20 U.S.C. § 1400 et. seq.; 34 C.F.R. § 300.1 (2006) et seq.; Ed. Code, § 56000 et seq.; Cal. Code Regs., tit. 5, § 3000 et seq.) The main purposes of the Individuals with Disabilities Education Act, called the IDEA, are to ensure:

- all children with disabilities have available to them a FAPE that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living, and
- the rights of children with disabilities and their parents are protected. (20 U.S.C. § 1400(d)(1); see Ed. Code, § 56000, subd. (a).)

The IDEA affords parents and local educational agencies the procedural protection of an impartial due process hearing with respect to any matter relating to the identification, assessment, or educational placement of the child, or the provision of a FAPE to the child. (10 U.S.C. § 1415(b)(6) & (f), 34 C.F.R. § 300.511, Ed. Code, §§ 56501,

56502, and 56505; Cal. Code Regs., tit. 5, § 3082.) The party requesting the hearing is limited to the issues alleged in the complaint, unless the other party consents, and has the burden of proof by a preponderance of the evidence. (20 U.S.C. § 1415(f)(3)(B); Ed. Code, § 56502, subd. (i); *Schaffer v. Weast* (2005) 546 U.S. 49, 57-58, 62 [126 S.Ct. 528, 163 L.Ed.2d 387]; and see 20 U.S.C. § 1415(i)(2)(C)(iii).) In this matter, Student had the burden of proof. The factual statements in this Decision constitute the written findings of fact required by the IDEA and state law. (20 U.S.C. § 1415(h)(4); Ed. Code, § 56505, subd. (e)(5).)

This Decision does not cite to the administrative record because it was not available before the issuance of the Decision and OAH policy is that decisions do not include citations to the record. OAH decisions are written in an accessible style, font, and format adopted by OAH in compliance with state and federal accessibility law.

Student was seven years old and had recently been pulled out of first grade by Parents at the time of the hearing. Student resided with Parents in Tahoe Truckee's geographic boundaries and attended Sierra, a charter school, at all relevant times. Student had never been assessed or found eligible for special education.

ISSUE 1: DID TAHOE TRUCKEE AND SIERRA DENY STUDENT A FAPE DURING THE 2025-2026 SCHOOL YEAR BY FAILING TO TIMELY MEET THEIR CHILD FIND OBLIGATIONS?

Student contends Tahoe Truckee and Sierra failed to meet their child find obligations by not initiating a formal assessment process before May 1, 2026, despite months of Student's documented and significant academic concerns.

Sierra contends at the time Student's complaint was filed it was in the process of implementing tiered general education interventions, and a referral to special education was premature.

Tahoe Truckee contends Student was not enrolled in its district, and until Parents sent it a private placement letter, did not suspect or have reason to suspect that Student was a child with a disability requiring assessment.

A FAPE means special education and related services that are available to an eligible child with a disability that meets state educational standards at no charge to the parent. (20 U.S.C. § 1401(9); 34 C.F.R. § 300.17.) Parents and school personnel develop an individualized education program, called an IEP, for an eligible student based upon state law and the IDEA. (20 U.S.C. §§ 1401(14), 1414(d)(1); and see Ed. Code, §§ 56031, 56032, 56341, 56345, subd. (a), and 56363, subd. (a); 34 C.F.R. §§ 300.320, 300.321, and 300.501.)

In general, a child eligible for special education must be provided access to specialized instruction and related services which are individually designed to provide educational benefit through an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. (*Bd. of Education of the Hendrick Hudson Central School Dist. v. Rowley* (1982) 458 U.S. 176, 201-204; *Endrew F. v. Douglas County School Dist. RE-1* (2017) 580 U.S. 386, 402 [137 S.Ct. 988, 1000].)

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LAW ON CHILD FIND OBLIGATIONS

The IDEA requires each state to identify children who may require special education services. (20 U.S.C. § 1412(a)(3)(A).) This duty to identify children with disabilities is called “child find.” Child find duties are also imposed by California law. (Ed. Code, § 56301, subds. (a) and (b).)

Once an educational agency is on notice that a child has displayed symptoms of a disability or that a child may have a particular disorder, it must assess all areas of suspected disability to determine the child’s individual educational needs. (*Timothy O. v. Paso Robles Unified School Dist.* (9th Cir. 2016) 822 F.3d 1105, 1120-21 (*Timothy O.*); 20 U.S.C. § 1414(b)(3)(B).) The agency is on notice when parents express concern about a child’s symptoms, informed professionals issue opinions, or when other less formal indicators arise, such as observations of the child’s behavior. (*Timothy O.*, 822 F.3d at pp. 1119-1120 (citing *Pasatiempo by Pasatiempo v. Aizawa* (9th Cir. 1996) 103 F.3d 796 and *N.B. v. Hellgate Elementary School Dist.* (9th Cir. 2008) 541 F.3d 1202.))

Child find does not require a school to “rush to judgment or immediately evaluate every student exhibiting below-average capabilities, especially at a time when young children are developing at different speeds and acclimating to the school environment.” (*D.K. v. Abington School Dist.* (3d Cir. 2012) 696 F.3d 233, 252.) In fact, California expressly requires that:

A pupil shall be referred for special education instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized.

(Ed. Code, § 56303.)

Congress has mandated that states develop effective teaching strategies and positive behavioral interventions to prevent school districts from over-identifying students as disabled and automatically defaulting to special education. (*Los Angeles Unified School Dist. v. D.L.* (C.D.Cal. 2008) 548 F.Supp.2d 815, 819–20 (*D.L.*)). A child may have a qualifying disability, yet not be found eligible for special education because the student's needs can be met with modification of the general education classroom. (Ed. Code, § 56026, subd. (b); *Hood v. Encinitas Union School Dist.* (9th Cir. 2007) 486 F.3d 1099, 1107–1108, 1110 (*Hood*)).

A CHILD FIND VIOLATION REQUIRES A TWO-PART SHOWING

Child find is a procedural obligation, and an educational agency's violation of that procedural obligation does not result in a denial of FAPE if the student does not establish that he or she is eligible for special education. (*Burnett v. San Mateo Foster City School Dist.* (9th Cir. 2018) 739 Fed.Appx. 870, 872.)

A procedural error denies a FAPE only if the child was eligible for special education, and therefore entitled to a FAPE, at the time of the violation. (*R.B. v. Napa Valley Unified School Dist.* (9th Cir. 2007) 496 F.3d 932, 942; *Burnett, supra*, at p. 872.) Said another way, an educational agency's procedural violation cannot qualify an otherwise ineligible student for IDEA relief, and constitutes harmless error if a student is ineligible for special education. (*R.B., supra*, 496 F.3d at p. 942; *D.G. v. Flour Bluff Independent School Dist.* (5th Cir. 2012) 481 Fed. Appx. 887, 893 (nonpub. opn.) ["The IDEA does not penalize school districts for not timely evaluating students who do not need special education"].)

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SIERRA AND TAHOE TRUCKEE

Sierra was a public charter school within Tahoe Truckee's boundaries and authorized by Tahoe Truckee. Tahoe Truckee was the local educational agency responsible for providing special education services to eligible children with disabilities attending Sierra.

Local educational agencies provide special education services to children within their jurisdiction under the IDEA. (20 U.S.C. § 1413(a)(1).) In California, the school district in which the parents reside is typically the local educational agency responsible for providing their child with a FAPE. (B.H. v. Manhattan Beach Unified Sch. Dist. (2019) 35 Cal. App. 5th 563, 571, citing Ed. Code, §§ 48200, 56028.) Charter schools are an exception, and may be designated as their own local educational agency, or be within the local educational agency that authorized the charter. (Ed. Code § 47641.) If the public charter school is not an independent local educational agency, the local educational agency authorizing the charter is responsible for ensuring the students enrolled in the charter are receiving a FAPE. (Ed. Code, § 47646, subd. (b); 34 C.F.R. § 300.209(b).)

As the local educational agency for Sierra, Tahoe Truckee received special education funds from the state for Sierra students with IEPs, hired staff and paid the costs of special education and related services at Sierra, and was responsible for providing a FAPE to children with disabilities at Sierra. As relevant here, Tahoe Truckee assessed any students referred to Sierra for special education eligibility.

Sierra is a charter school with progressive, project-based learning and a dynamic character-building curriculum. Students are placed in classrooms, known as crews, with

the same teacher for two years. Sierra is a school of choice, and students are enrolled by lottery, with a waitlist at the time of hearing of around 200 students. Approximately 18 percent of Sierra's students have IEPs.

In 2023, Sierra incorporated significant general education supports and interventions for reading and math in its kindergarten through third-grade classrooms. Every student in those grades was assigned to a small reading group of students at a similar reading level. Reading instructors visited classes daily to provide reading support for each group, from gifted readers to readers well below grade level. Math support was also provided as needed. Students were regularly assessed in literacy and math.

Student attended Sierra for kindergarten in the 2024-2025 school year. Student did not attend preschool, and started kindergarten with below average pre-reading skills. With Sierra's program supports and interventions, Student achieved benchmark reading skills by the end of her kindergarten school year.

THE 2025-2026 SCHOOL YEAR

Student returned to Sierra for first grade in the 2025-2026 school year. Early assessments showed Student's reading skills had regressed over summer and Student was struggling with basic first-grade math. Student's teacher for kindergarten and first grade, Julie Telfer, noticed Student was also very distracted and had difficulty paying attention and maintaining focus. In October 2025, Telfer recommended Parent work with Student on math at home. Telfer also recommended Parent speak with a school

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counselor, who suggested Student might need medication for attention deficits. Student's pediatrician assured Parent that Student was fine, and Parent decided to address Student's attention difficulties with meditation and a healthy diet.

After the doctor's visit, Parent emailed Telfer a request that Student use the two-minute break between the first period of the day and the math lesson to drink a protein shake. Telfer responded that Student might take longer than two minutes to drink her shake, and she was worried Student would miss important math instruction, an area in which Student struggled. Telfer asked Parent if Student could drink her shake before school instead. Parent did not respond to Telfer.

Each lesson in Sierra's first-grade math book had a page that could be torn out with a problem to be completed and turned into the teacher, called an "exit ticket." Telfer would go over the problem with students who completed the exit ticket incorrectly before they left the classroom for a 15-minute snack break after the math period. This review usually took one or two minutes. If it took longer, Telfer would extend the snack break so all students had plenty of time to eat and run around before returning to class. Student often completed exit tickets incorrectly and stayed for the review.

Student liked doing math with her fingers, as did many first graders. However, Telfer was teaching her students not to use their fingers, which was cumbersome and ineffective for addition and subtraction of numbers near one hundred. It was a goal of Sierra's curriculum to teach students alternate ways to add or subtract numbers.

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By January 2026, Student's regular assessments demonstrated she was not keeping up with the curriculum in reading or math, and Telfer called a Student Study Team meeting to consider additional instructional resources for Student. At Sierra, Student Study Team meetings brought together the teacher, the parent, and other education professionals to brainstorm strategies, interventions, and supports to help a student access the curriculum. Parent completed a questionnaire, describing Student's strengths and weaknesses, and commented that Student could shut down if she felt overwhelmed.

The Student Study Team met on February 9, 2026, with Parent, Telfer, a reading intervention teacher, and Sierra's assistant principal. The team identified Student's strengths as being sweet and kind, and being willing to give good effort. Areas of concern were

- difficulty focusing,
- missing out on lessons by not paying attention,
- needing frequent redirection,
- doing very poorly in both reading and math, and
- getting easily overwhelmed.

Sierra members of the team recommended Student work with the school counselor to build confidence in the classroom. They also recommended that intensive reading interventions continue, and that the school psychologist do a psychoeducational observation. In addition, the team designed a new classroom math resource to support Student. Telfer would designate a small group including Student and two other classmates who would receive an additional period of weekly instruction with a specialized math teacher. The team agreed to meet again in eight weeks to monitor Student's progress.

Parent was unhappy with the result of the Student Study Team meeting. Parent believed Student's academic difficulties were due to Student being overwhelmed by Sierra's performance expectations. After an extended email debate between Parent and Sierra's staff, Sierra agreed to Parent's request for a trial of a hands-off instructional approach, and to meet on April 9, 2026, to evaluate its effectiveness. At Parent's request, Sierra agreed for six weeks to:

- keep Student in the regular education classroom,
- pause math pull-outs,
- reduce spotlighting, redirection, and performance pressure by allowing Student's participation to be unexamined,
- reduce pressure, adult monitoring, and intervention,
- allow Student to engage at her own pace within the existing classroom structure using visual supports rather than verbal prompting or directed output toward Student,
- pause supports unless Student specifically requested assistance,
- regulation, engagement, and effort to be treated as indicators of success during this period,
- no intervention, including small group or in-class reading intervention,
- if primarily for students who were struggling, Parent preferred the student not be pulled into groups and continue working independently.

A few days before the April 9, 2026, follow-up Student Study Team meeting, Telfer conducted some informal assessments of Student and found that Student's reading and math skills had not progressed. However, when Parent was told Telfer had conducted assessments for the follow-up meeting, she complained that the assessments were a violation of the trial agreement and refused to attend another Student Study Team meeting.

Parent believed if she did not attend another Student Study Team meeting, Sierra could not change how Student was taught and would be required to continue the trial for the remainder of the school year. Parent refused repeated Sierra staff requests to attend a Student Study Team meeting as a means to control Student's educational program.

On April 8, 2026, David Manahan, the principal and director of Sierra, wrote to Parent that the six-week trial would not be extended. When the trial ended, Student would be treated as any other student, and would receive the interventions and support provided to all students in her class performing at her level.

Sierra's students were on spring break from April 13 through 17, 2026, but when they returned, Student participated in Telfer's classroom as any other first grader, including whole group instruction and small group interventions. In response, Parent pulled Student out of school. Student's last day at Sierra was Friday, April 24, 2026.

On Monday, April 27, 2026, Parent emailed school district Tahoe Truckee and demanded it give her printed independent study materials for pick up that afternoon. Student was not enrolled in Tahoe Truckee, and Tahoe Truckee forwarded Parent's request to Sierra.

Also on April 27, 2026, Parents emailed both Tahoe Truckee and Sierra a letter of intent to unilaterally place Student in a private school and seek reimbursement. Parent claimed Tahoe Truckee and Sierra failed to provide a safe, non-hostile, and appropriate educational environment. Tahoe Truckee and Sierra interpreted Parents' private placement letter as notice that they wanted Student assessed for special education.

On April 28, 2026, Telfer responded to Parent's independent study request by electronically sending Parent a link to enroll Student in Sierra's independent study program. Parent refused to communicate with anyone at Sierra, and did not open the link, complete an independent study contract, or enroll Student in Sierra's independent study program.

On May 1, 2026, Tahoe Truckee and Sierra jointly denied Parents' request for private school reimbursement in a prior written notice letter. Tahoe Truckee, on behalf of Sierra, included in the letter an assessment plan proposing to assess Student for special education eligibility, and a copy of parents' rights and procedural safeguards.

Parents did not sign and return the assessment plan. Instead, on May 5, 2026, Parent responded to Tahoe Truckee and rejected the offer to assess, characterizing it as an attempt to "weaponize" special education testing and to "pathologize" her child.

SIERRA MET ITS CHILD FIND OBLIGATION

The weight of the evidence established that Sierra's child find obligation was not triggered prior to the private placement letter because Sierra was appropriately in the process of determining if Student's educational needs could be met with general education interventions.

Student had responded well to Sierra's tiered system of reading interventions in kindergarten, achieving benchmark skills by year's end. In first grade, Sierra reasonably sought to utilize an increased level of general education reading and math interventions before referring Student for special education, in keeping with Sierra's curriculum resources and California law. (Ed. Code, § 56303.)

In recognition of the important part a parent plays in a child's educational program (see, e.g., Ed. Code, § 56341.5, subd. (a)), Sierra reasonably agreed to a short trial of Parent's suggested instructional approach, which Parent advocated for as an opportunity for Student to perform at her best. Sierra also reasonably discontinued the trial when it proved unsuccessful and reestablished general education interventions. First grade was only Student's second year of school, as she did not attend preschool, and Parent conceded Student had difficulty acclimating to the school environment. Under these circumstances, Sierra was not required to rush to judgment or immediately evaluate Student for special education when she exhibited below-average capabilities.

As a matter of sound educational policy, Sierra had identified first through third grade as years when general education interventions produced marked improvement in reading and math skills for young children, and frequently eliminated the need for special education. Sierra founder Manahan, who possessed a master's degree in experiential education and 16 years of experience in educational programming, testified with a professional demeanor and persuasively explained how Sierra's extensive program interventions had been developed around the science of reading and nationally recognized response-to-intervention models. All students in grades one through three received tiered supports as part of the general education program, from reinforcement of foundational skills and support for skill gaps, to data-driven targeted and higher-level interventions.

Manahan explained that by personalizing these interventions through Student Study Teams during a student's early elementary school years, most students responded and were able to perform at grade level without being referred to special education. Manahan persuasively opined that Student's reading and math difficulties were being appropriately addressed by the Student Study Team and general education interventions during the 2025-2026 school year, and it would have been premature to refer Student for special education assessment before utilizing the tiered general education interventions recommended by the February 9, 2026, Student Study Team.

Sierra's actions through April 24, 2026, while Student remained in school, of continuing to utilize general education program resources for Student rather than referring Student to special education, conformed with California law and were consistent with Congress's mandate to avoid overidentification of children as having disabilities. (Ed. Code § 56303; *D.L., supra*, 548 F. Supp. 2d at pp. 819–20.)

In addition, prior to the April 27, 2026, private placement letter, Sierra was not on notice that Student displayed symptoms of a disability. Parent repeatedly stated to Sierra's staff, and testified at hearing, that she had no concerns about Student's academic skills. No informed professional issued an opinion that Student had a disability. Parent testified that she had Student examined for attention deficit and Student's pediatrician said Student was fine. No psychologist or other educational professional opined at hearing that Student was a child with a disability. Telfer, Student's teacher of two years, testified credibly and persuasively that although Student was scoring poorly in reading and math through January 2026, she believed Student would have made significant gains in both subjects if Student had received the interventions recommended by the February 9, 2026, Student Study Team and stayed in school through the end of the 2025-2026 school year.

Once Sierra received the private placement letter on April 27, 2026, an assessment plan was promptly sent on its behalf by Tahoe Truckee on May 1, 2026, to comprehensively assess Student in all areas of suspected disability.

Accordingly, Sierra sought to utilize the resources of its general education program before referring Student to special education, was not on notice that Student displayed symptoms of a disability prior to the April 27, 2026, private placement letter, and promptly sent an assessment plan to assess in all areas of suspected disability on Parent's request. Sierra's actions were appropriate and timely met its child find obligation.

TAHOE TRUCKEE MET ITS CHILD FIND OBLIGATION

Student was not enrolled in Tahoe Truckee, and Tahoe Truckee did not have notice or any reason to suspect Student displayed symptoms of a disability prior to Parent's April 27, 2026, private placement letter. Student produced no evidence that Tahoe Truckee should have known or suspected Student needed special education prior to the April 27, 2026, letter.

Once Tahoe Truckee received the private placement letter, which it interpreted as a request for special education services, it promptly sent Parents an assessment plan on behalf of Sierra on May 1, 2026, to assess Student in all areas of suspected disability, in accordance with its obligations as the local educational agency for Sierra's students.

The assessment plan proposed to comprehensively assess Student in all areas in which a disability would be suspected, including:

- academic achievement,
- health,

- intellectual development,
- language/speech communication development,
- perceptual motor development,
- social/emotional,
- behavior, and
- adaptive skills.

Tahoe Truckee appropriately developed the assessment plan from information received from Sierra, including Student Study Team notes and data, academic assessments, periodic reading assessments, periodic math assessments, and teacher observations that Student had difficulty focusing, missed instruction, and shut down when overwhelmed.

Student presented no evidence of other information that Tahoe Truckee should have obtained from Sierra, that Sierra should have provided Tahoe Truckee, or that Tahoe Truckee should have considered. Student presented no evidence of an area of suspected disability that should have been, but was not, included in the assessment plan.

Accordingly, Tahoe Truckee timely and appropriately met its child find obligation.

STUDENT DID NOT PROVE SHE WAS ELIGIBLE FOR SPECIAL EDUCATION

The IDEA defines a “child with a disability” as a child with certain disabilities delineated by statute, who, because of that disability, needs special education and related services. (20 U.S.C. § 1401(2)(A); 34 C.F.R. § 300.8.) California law calls a child

with a disability an individual with exceptional needs (Ed. Code, § 56026), and these terms are interchangeable. This Decision will use the term child with a disability.

California identifies 13 categories under which a student may demonstrate a degree of impairment requiring special education. (Ed. Code, § 56026, subd. (d); Cal. Code Regs., tit. 5, § 3030, subds. (a), (b)(1)-(13).) These include:

- autism,
- deaf-blindness,
- deafness,
- emotional disturbance,
- hearing impairment,
- intellectual disability,
- multiple disabilities,
- orthopedic impairment,
- other health impairment,
- specific learning disability,
- language or speech disorder,
- traumatic brain injury, or
- visual impairment.

It is not enough that a student meets the criteria of an eligibility category. The student must also demonstrate that the results of an assessment show the degree of the child's impairment requires special education. (Cal. Code Regs., tit. 5, § 3030, subds. (a).)

Here, Student made no showing of eligibility for special education. Student did not identify in her complaint, at hearing, or in her closing brief, an eligibility category in which she would qualify as a child with a disability under the IDEA to be entitled to a FAPE. Student did not designate or call an expert on her behalf to give an opinion on Student's eligibility for special education, and no Sierra or Tahoe Truckee witness opined Student was eligible for special education.

Student did not submit a psychoeducational assessment, speech and language assessment, academic achievement assessment, or any other type of assessment with results demonstrating that Student had a degree of impairment that required special education to establish IDEA eligibility. Student's total lack of eligibility evidence raises a reasonable inference that such evidence did not exist, or Student would have produced it. (Evid. Code, § 600.)

Instead, the record showed that Parent resisted throughout the 2025-2026 school year any suggestion that Student had a disability. Parent was offended that the school psychologist suggested Student had an attention disorder extreme enough to require medication. Parent disagreed with the other February 9, 2026, Student Study Team members that Student required a higher level of intervention for reading and writing difficulties, instead identifying the root cause of the problem as the classroom environment and expectations. Parent declined Tahoe Truckee's offer to assess Student for special education as an attempt to "pathologize" her child, or to treat her child as having a mental or physical illness. Student's evidence that Parent repeatedly asserted Student did not have a disability, combined with a lack of expert opinion or assessment results regarding special education eligibility, fell short of establishing Student was a child with a disability.

Accordingly, Student was not a child with a disability under the IDEA or California law. Therefore, even if Sierra or Tahoe Truckee had violated their child find procedural obligation, that action would not have resulted in a denial of FAPE and Student would not be entitled to relief.

Student did not meet her burden of proving by a preponderance of the evidence that Tahoe Truckee and Sierra denied Student a FAPE during the 2025-2026 school year by failing to timely meet their child find obligations.

ISSUE 2: DID TAHOE TRUCKEE AND SIERRA DENY STUDENT A FAPE DURING THE 2025-2026 SCHOOL YEAR BY WILLFULLY WITHHOLDING MANDATORY INDEPENDENT STUDY CURRICULUM AND SUBJECTING STUDENT TO SOMATIC PRESSURE AND FOOD DEPRIVATION, INTERFERING WITH STUDENT'S ABILITY TO ACCESS THE CURRICULUM?

Student contends she was denied a FAPE because Tahoe Truckee did not give Parent printed independent study materials as requested, Telfer would not let Student count on her fingers or drink a shake during a break, and requirements like using digital links or specific problem-solving techniques limited Student's access to the curriculum.

Sierra contends Parent never signed a contract for independent study, no food was ever withheld, and access to general education programs is not a special education issue within OAH's jurisdiction to decide.

Tahoe Truckee contends it does not administer Sierra's day-to-day programs and had no responsibility to Student in these matters.

As an initial matter, Student failed to prove that she is a child with a disability, so the actions alleged in Issue 2 cannot be procedural violations under the IDEA. Even were Student a child with a disability, the actions alleged do not rise to the level of procedural violations.

A procedural error denies a FAPE only if the child was eligible for special education, and therefore entitled to a FAPE, at the time of the violation. (*R.B., supra*, 496 F.3d at p. 942; *Burnett, supra*, at p. 872.)

The IDEA does not require a school district to provide an educational methodology preferred by parents. (*Croft v. Issaquah School Dist. No. 411* (9th Cir. 2022) 22 F.4th 1048, 1058.)

A parent's disagreement with a school district's educational methodology is insufficient to establish an IDEA violation. (*Carlson v. San Diego Unified School Dist.* (9th Cir. 2010) 380 Fed. Appx 595, 597 (unpub. opn.); see also, *Lachman v. Illinois State Board. of Education* (7th Cir. 1988) 852 F.2d 290, *cert. denied* at 488 U.S. 925 [holding that parents do not have a right to compel a school district to provide a specific program or employ a specific methodology in providing for the education of a student with a disability].)

Student was not enrolled in Tahoe Truckee on April 27, 2026, when Parent requested it provide printed independent study materials. Independent study was a general education program. Student was enrolled in Sierra as a general education student. Tahoe Truckee appropriately forwarded the request regarding a general education program and a general education student to Sierra.

Sierra appropriately had Telfer send Parent a link for Parent to enroll Student in the independent study program. Parent testified she received printed independent study materials from Telfer in the past when Student had been absent for several days. Telfer testified she would have printed materials for Student if Parent had contacted her and requested them upon enrollment in the independent study program. Both Telfer and Manahan testified that a student could participate without pre-approval in independent study for up to six days per school year, but after that, the parent was required to complete a contract and obtain pre-approval. Student could not continue independent study from April 27, 2026, through the end of the 2025-2026 school year, without pre-approval. Any lack of independent study materials, printed or otherwise, was due to Parent's refusal to speak with Sierra's representatives or enroll Student in the independent study program, and not due to procedural violations by Sierra or Tahoe Truckee.

In addition, Sierra's independent study program is a general education program. Student is not a special education student, and does not have an IEP offering independent study services. Therefore, OAH lacks jurisdiction to order that Sierra change the way it implements its independent study program, to accommodate Student or Parent's preference for printed over digital materials.

Student offered no evidence that she was deprived of food by Sierra or Tahoe Truckee at any time. Telfer's suggestion Student drink her shake before school, rather than during a very short break and into instruction, was not evidence of food deprivation. Student offered no evidence of being subjected to somatic pressure, failed to explain what that was at hearing or in the closing brief, and seems to have abandoned that claim.

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Student also offered no evidence that being taught quicker and more effective means of adding and subtracting numbers than counting on her fingers denied her access to appropriate instruction or materially disrupted access to educational supports.

Student failed to prove by a preponderance of the evidence that Tahoe Truckee and Sierra denied Student a FAPE during the 2025-2026 school year by willfully withholding mandatory independent study curriculum and subjecting student to somatic pressure and food deprivation, interfering with Student's ability to access the curriculum.

ISSUE 3: DID TAHOE TRUCKEE AND SIERRA DENY STUDENT A FAPE DURING THE 2025-2026 SCHOOL YEAR BY CHANGING STUDENT'S PROGRAM AND PROVIDING SERVICES WITHOUT PARENT'S CONSENT, AND ATTEMPTING TO FORCE STUDENT'S EXIT FROM TAHOE TRUCKEE AND SIERRA, SIGNIFICANTLY IMPEDING PARENT'S OPPORTUNITY TO PARTICIPATE IN THE DECISION-MAKING PROCESS?

Student contends Parent's opportunity for participation in Student's educational program was substantially impaired, and so Student was denied a FAPE, because Manahan changed Student's program without a Student Study Team meeting and told Parent the family should consider other school options.

Sierra contends Student was a general education student in a general education program that did not require Parent's consent to implement the program after the February 9, 2026, Student Study Team trial was over. Also, Sierra was trying to get Student back into school, not exit her.

Tahoe Truckee contends that it was Parent, not Tahoe Truckee or Sierra, who pulled Student out of school.

Student failed to prove that she is a child with a disability, so the actions alleged in Issue 3 are not procedural violations of the IDEA. But even were Student a child with a disability, the alleged actions did not constitute procedural violations.

The IDEA gives parents the right to participate in decisions about their child's program, but it does not give parents the right to control or veto any individual IEP offer provision. (*Ms. S. v. Vashon Island School Dist.* (9th Cir. 2003) 337 F.3d 1115, 1131.)

Student did not have an IEP that required Parental consent for implementation. Even if Student had an IEP, she was placed in a general education classroom, and Student cited no authority requiring Sierra to obtain parental consent to implement the general education programs it had developed for all students in each grade. Accordingly, Sierra was not required to obtain Parent's consent to implement its regular general education first-grade program, including tiered academic interventions

The hands-off approach agreed to at the February 9, 2026, Student Study Team meeting was for a six-week trial, to be reviewed on April 9, 2026. Even temporary educational programs written into special education IEPs end on the date specified. (*C.Q. v. River Springs Charter Schools* (C.D.Cal. 2018) 2018 WL 5936665, *3, citing *Verhoeven v. Brunswick Sch. Comm.* (1st Cir. 1999) 207 F.3d 1, 9.) The hands-off instructional trial ended on the agreed-upon date of April 9, 2026, and Parent's consent was not needed for Student's return to the general education program's academic supports and tiered interventions.

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Manahan, on behalf of Sierra, did not interfere with any right of Parent to participate in or control any aspect of Sierra's program by informing Parent that Student would be treated like any other first grader after the six-week trial ended.

Parent attempted to control Student's program by refusing to attend the April 9, 2026, or any Student Study Team meetings, believing no change could occur without her consent. However, not only was her consent not required for changes to a general education program, even in special education law a district is not obligated to acquiesce to the parent's demand for preferred accommodations, methodologies, or instructional strategies. (See *J.L. v. Mercer Island School Dist.* (9th Cir. 2010) 592 F.3d 938, 952-53.)

Sierra was a well-regarded charter school with open enrollment by lottery, often called a "school of choice." Student was entitled to attend her home school in her district of residence, Tahoe Truckee. Instead, Parents chose to enroll Student in Sierra, with knowledge of its progressive and experiential programs. Manahan was not trying to exit Student from Sierra by noting this in his April 8, 2026, letter to Parent, but merely advising Parent of educational options available to Student if Parents had become unhappy with Sierra's program.

Contrary to Student's claim, the evidence demonstrated that Sierra's staff wanted to help Student, and to get her back after Parent pulled Student out of school on April 24, 2026. Telfer repeatedly emailed Parent in May 2026 asking if there was any way she could help Student with independent study or get Student back into class. Manahan wrote to

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Parent on May 21, 2026, that Student's crewmates missed her and encouraged Parent to bring Student back to Sierra to finish the school year with her friends. Even the May 20, 2026, Student Attendance Review Team letter, sent after 23 days of absence, stated:

Counselor is concerned that [Student] is not in contact with her schoolmates and is not having social interaction with her Crew at school

- [Student] has many friends at school -she was always happy, connected, and social
- [Student] plays with friends at recess and lunch

There was no evidence that Telfer, Manahan, or any other Sierra staff member or administrator wanted or acted to exit Student from Sierra.

Student argues an April 10, 2026, email from Manahan to Sierra's staff assuring them that Parent's filing of a complaint to Tahoe Truckee about Sierra was "no biggie," and other emails in which he described Parent as difficult, were evidence Parent was disliked and therefore Sierra was attempting to force Student and Parent from Sierra. Student's argument is highly speculative, and this evidence falls far short of showing an intention to exit Student from Sierra, particularly in contrast to substantial evidence of Sierra staff and administrators attempting to convince Parent to return Student to Sierra.

Parent was difficult, particularly in her attempt to control Student's program. However, all emails from Manahan and other Sierra staff and administrators concerning the April 9, 2026, Student Study Team meeting or the end of the six-week trial were

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courteous, if firm, in explaining how Sierra would move forward. Telfer, Manahan, and other Sierra witnesses expressed some frustration in communications with Parent, but all consistently spoke highly of Student and seemed accepting of, if not always comfortable with, Parent's communication style. There was no testimony from Sierra's witnesses, or implication from their testimony, that Parent was disliked, or that there was any desire to exit Student from Sierra to be rid of Parent.

Student also argues that post-amended complaint conduct demonstrated an intention to exit Student. On June 13, 2026, prompted by Student's 33 unexcused absences at the end of the 2025-2026 school year, Sierra sent Parents a letter by certified mail requesting them to confirm Parents' intent to re-enroll Student for the 2026-2027 school year. The letter informed Parents that Sierra would free Student's space for another applicant if Parents did not send written confirmation to Sierra by June 30, 2026. Parents never responded to the June 13, 2026, letter and Manahan testified at hearing that Sierra released Student's space to another child. These events not only took place beyond the period at issue, but were evidence of an unreasonable refusal by Parent to communicate with Sierra after April 24, 2026, rather than an intention by Sierra to exit Student.

As with Issue 2, Tahoe Truckee was not involved with the day-to-day programs at Sierra, and did not participate in Student Study Team meetings. Other than promptly sending Parents a prior written notice declining to reimburse Parents for private placement, sending an assessment plan to Parents for consent to assess Student for special education eligibility, and forwarding Parent's request for independent study materials and educational records to Sierra, Tahoe Truckee had no significant interaction with Parents. Student failed to produce evidence that Tahoe Truckee sought to change Student's program or attempted to exit Student from Tahoe Truckee or Sierra.

Student did not meet her burden of proving by a preponderance of the evidence that Tahoe Truckee and Sierra denied Student a FAPE during the 2025-2026 school year by changing Student's program and providing services without Parent's consent, and attempting to force Student's exit from Tahoe Truckee and Sierra, significantly impeding Parent's opportunity to participate in the decision-making process.

ISSUE 4: DID TAHOE TRUCKEE AND SIERRA DENY STUDENT A FAPE DURING THE 2025-2026 SCHOOL YEAR BY DEFAULTING ON STATUTORY RECORDS REQUESTS AND MODIFYING STUDENT RECORDS AFTER DECLARING THEM AVAILABLE, SIGNIFICANTLY IMPEDING PARENT'S OPPORTUNITY TO PARTICIPATE IN THE DECISION-MAKING PROCESS?

Sierra contends Student produced no evidence of a records request to Sierra, and did not identify missing or altered records. In addition, Parent participated in, or had the opportunity to participate in, Student Study Team meetings and developed a six-week trial that Sierra implemented, so was an active participant in designing Student's educational program.

Tahoe Truckee contends it was not the custodian of Student's educational records, and promptly directed the records request to Sierra, who was.

As with Issues 1, 2, and 3, Student failed to prove that she is a child with a disability, so none of the actions alleged in Issue 4 could result in procedural violations under the IDEA. However, even were Student a child with a disability, neither Sierra nor Tahoe Truckee committed a procedural violation.

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To guarantee parents the ability to make informed decisions about their child's education, the IDEA grants parents of a child with a disability the right to examine all relevant records relating to their child's identification, evaluation and educational placement. (20 U.S.C. §1415(b)(1).)

Each participating agency must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency. It must comply with a request without unnecessary delay and before any meeting regarding an IEP, or any hearing, or resolution session. (See 34 C.F.R. §300.613(a).)

Although federal regulations to implement the IDEA state that in no case shall educational records be provided more than 45 days after the request has been made, California law states parents have the right to receive copies of all school records within five business days after parents make a request. (34 C.F.R. § 300.613(a); Ed. Code, §56504.)

Here, evidence that Parent completed an online form requesting educational records from California attorney general Rob Bonta did not prove service of a written, emailed, or online request for educational records on either Tahoe Truckee or Sierra.

Tahoe Truckee became aware of a records request on receipt of Parent's May 5, 2026, email to Tahoe Truckee claiming it had defaulted on a request for a complete copy of Student's educational records. On May 5, 2026, Student was not enrolled in Tahoe Truckee and Tahoe Truckee did not have possession of Student's records. Tahoe Truckee directed Parent to contact Sierra, but Parent refused to directly communicate with Sierra due to a "no contact protocol" Parent had herself imposed.

No documentary evidence was offered regarding a records request to Sierra, and the exact date that Sierra was informed of a request was not established. However, Sierra established that it sent a complete copy of Student's educational records to Parents by certified mail on May 18, 2026, and that Parent signed receipt of the certified mail package on May 19, 2026.

Student failed to prove that Tahoe Truckee had any obligation to produce Student's educational records to Parents, or that Sierra did not timely produce the records after receiving the request on a date and from a source unknown.

During her testimony, Parent failed to identify any documents missing from the educational records produced by Sierra, or that Sierra had altered any documents. Parent testified that one truancy letter had a typographical error, and that Parent was incorrectly described in several documents as having emotional issues, being stubborn and difficult, and having filed claims not to be taken seriously. Obviously, these purported errors and mischaracterizations were known to Parent, and the records containing them cannot be said to have interfered with Parent's decision making by giving her inaccurate information.

In addition, Parent regularly emailed with Telfer regarding Student's performance in the general education first-grade program at Sierra, spoke with Telfer twice in October 2025 about Student's academic difficulties, contributed information to the Student Study Team referral in January 2026, and attended and participated in the February 9, 2026, Student Study Team meeting. After that meeting, Parent communicated extensively with staff, and developed a hands-off instructional approach for Student that the Student Support Team agreed to implement for a six-week trial. Parent also communicated with Sierra staff and administration extensively before and

after April 9, 2026, when she disagreed with the pre-meeting progress assessments and the return to tiered program interventions. Parent actively and meaningfully participated in developing Student's educational program, and Sierra did not significantly interfere with Parent's opportunity to participate in the decision-making process.

Student did not meet her burden of proving by a preponderance of the evidence that Tahoe Truckee and Sierra denied Student a FAPE during the 2025-2026 school year by defaulting on statutory records requests and modifying Student records after declaring them available, significantly impeding Parent's opportunity to participate in the decision-making process.

CONCLUSIONS AND PREVAILING PARTY

As required by California Education Code section 56507, subdivision (d), the hearing decision must indicate the extent to which each party has prevailed on each issue heard and decided.

ISSUE 1:

Neither Tahoe Truckee nor Sierra denied Student a FAPE during the 2025-2026 school year by failing to timely meet their child find obligations.

Tahoe Truckee and Sierra prevailed on Issue 1.

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ISSUE 2:

Neither Tahoe Truckee nor Sierra denied Student a FAPE during the 2025-2026 school year by willfully withholding mandatory independent study curriculum and subjecting Student to somatic pressure and food deprivation, interfering with Student's ability to access the curriculum.

Tahoe Truckee and Sierra prevailed on Issue 2.

ISSUE 3:

Neither Tahoe Truckee nor Sierra denied Student a FAPE during the 2025-2026 school year by changing Student's program and providing services without Parent's consent, or attempting to force Student's exit from Tahoe Truckee and Sierra, significantly impeding Parent's opportunity to participate in the decision-making process.

Tahoe Truckee and Sierra prevailed on Issue 3.

ISSUE 4:

Neither Tahoe Truckee nor Sierra denied Student a FAPE during the 2025-2026 school year by defaulting on statutory records requests or modifying student records after declaring them available, significantly impeding Parent's opportunity to participate in the decision-making process.

Tahoe Truckee and Sierra prevailed on Issue 4.

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ORDER

All Student's requests for relief are denied.

RIGHT TO APPEAL THIS DECISION

This is a final administrative decision, and all parties are bound by it. Pursuant to Education Code section 56505, subdivision (k), any party may appeal this Decision to a court of competent jurisdiction within 90 days of receipt.

ALEXA HOHENSEE

Administrative Law Judge

Office of Administrative Hearings