

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

MANTECA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026070481

OAH CASE NUMBER 2026070274

EXPEDITED DECISION

August 17, 2026

On July 2, 2026, the Office of Administrative Hearings, called OAH, received a due process hearing request from Manteca Unified School District, called Manteca, naming Student. The complaint contained expedited and non-expedited claims. OAH set the expedited and non-expedited matters for separate hearings.

On July 10, 2026, Student filed a Request for Due Process Hearing in OAH case number 2026070481, naming Manteca. Student's complaint raised only non-expedited claims. OAH granted the parties' request to consolidate the matters on August 4, 2026.

Manteca's expedited claim proceeded to hearing with no continuances. This Decision addresses only Manteca's expedited claim.

Administrative Law Judge Ashok Pathi heard this matter by videoconference on July 28, 29, 30, and August 4, 2026. The Administrative Law Judge is called the ALJ.

Attorneys Dee Anna Hassanpour, Kelly Chacon, and Rebecca Diddams represented Manteca. Senior Director of Special Education Dr. Jody Burriss, or Coordinator of Special Education Marcia Finke attended all hearing days on Manteca's behalf. Parent represented Student and attended all hearing days on Student's behalf. Parent was advised by Non-Attorney Advocate Jackie Darrough.

On August 4, 2026, the last day of hearing, the record was closed, and the matter was submitted for decision. The ALJ allowed the parties to file closing arguments by August 6, 2026, but did not continue the matter. Both parties filed closing arguments.

EXPEDITED ISSUE

1. May Manteca place Student at the San Joaquin County Office of Education's Believe Program as an Interim Alternative Educational Setting on the basis that continuing Student's current placement is substantially likely to result in injury to himself or others?

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JURISDICTION

This hearing was held under the Individuals with Disabilities Education Act, referred to as IDEA, 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 IDEA are to ensure:

- all children with disabilities have available to them a free appropriate public education, called 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).)

Title 20 United States Code section 1415(k) and title 34 Code of Federal Regulations, part 300.530, et seq. (2006), govern the discipline of special education students. (Ed. Code, § 48915.5.) A student receiving special education services may be suspended or expelled from school as provided by federal law. (20 U.S.C. §1412(a)(1)(A); Ed. Code, § 48915.5, subd. (a).) If a special education student violates a code of student conduct, school personnel may remove the student from their educational placement without providing services for a period not to exceed 10 days per school year, provided typical children are not provided services during disciplinary removal. (20 U.S.C. § 1415(k)(1)(B); 34 C.F.R. § 300.530(b)(1) & (d)(3).)

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The law also provides that school personnel may remove a student to an interim alternative educational setting for not more than 45 school days, regardless of whether the student's behavior is determined to be a manifestation of the student's disability, under special circumstances. (20 U.S.C. § 1415(k)(1)(G); 34 C.F.R. § 300.530(g) (2006).) The individualized education program, called IEP, team, determines the interim alternative educational setting. (20 U.S.C. § 1415(k)(2); 34 C.F.R. § 300.531 (2006).)

A school district may request a due process hearing to authorize a change of placement if the district "believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others." (20 U.S.C. § 1415(k)(3)(A); 34 C.F.R. § 300.532(a) (2006).) An interim alternative educational setting placement request requires an expedited hearing that must be conducted within 20 school days of the date an expedited due process hearing request is filed and a decision must be rendered within 10 school days after the hearing ends. (20 U.S.C. § 1415(k)(4)(B); 34 C.F.R. § 300.532(c)(2) (2006).)

After such a hearing, an ALJ may order a change of placement to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others. (20 U.S.C. § 1415(k)(3)(B)(ii)(II); 34 C.F.R. § 300.532 (b)(2)(ii).) The rules for a due process hearing under title 20 United States Code section 1415(k), must be consistent with those for other IDEA hearings. (34 C.F.R. § 300.532(c)(1)(a) (2006).)

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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).) Here, Manteca filed the expedited complaint and 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).)

Student was seven years old and in second grade at the time of the hearing. Student resided within Manteca's geographic boundaries at all relevant times. Student was eligible for special education under Autism. Student's most recent IEP offer included eligibility under the categories of Emotional Disability and Speech or Language Impairment. However, Parent had not consented to that IEP.

ISSUE 1: MAY MANTECA PLACE STUDENT AT THE SAN JOAQUIN COUNTY OFFICE OF EDUCATION'S BELIEVE PROGRAM AS AN INTERIM ALTERNATIVE EDUCATIONAL SETTING ON THE BASIS THAT CONTINUING STUDENT'S CURRENT PLACEMENT IS SUBSTANTIALLY LIKELY TO RESULT IN INJURY TO HIMSELF OR OTHERS?

Manteca contends that maintaining Student's current educational placement is substantially likely to result in injury to himself and others, and that injuries have already

occurred. Manteca also contends that the San Joaquin County Office of Education's Believe Program, called the Believe Program, is an appropriate interim alternative educational setting.

Student concedes in his closing brief that he engaged in serious behavioral incidents during the 2025-2026 school year, including aggression toward others, property destruction, and significant disruption to the educational environment. However, Student contends that the Believe Program is not an appropriate interim alternative educational setting, and that Manteca should have made additional adjustments to Student's current placement or offered another placement within Manteca before seeking to move Student to the Believe Program.

As explained below, Manteca met its burden of proving that maintaining Student's current placement is substantially likely to result in injury to himself or others. Manteca also met its burden of proving that the Believe Program is an appropriate interim alternative educational setting.

A school district may request a due process hearing to authorize a change of placement if the district believes that maintaining the current placement of the child is substantially likely to result in injury to the child, or to others. (20 U.S.C. § 1415(k)(3)(A); 34 C.F.R. § 300.532(a).)

When considering whether "maintaining the current placement of the child is substantially likely to result in injury to the child or to others," the Eighth Circuit Court of Appeals rejected the proposition that a child must first inflict serious harm before that child can be deemed substantially likely to cause injury. (*Light v. Parkway C-2 School Dist.* (8th Cir. 1994) 41 F.3d 1223, 1230.) The Court held there is no requirement a child

must be “truly dangerous” or “intend to cause injury,” as “a child whose behaviors flow directly and demonstrably from [their] disability is subject to removal where that child poses a substantial risk of injury to [them]self or others.” (*Id.* at p. 1228.) At least one federal district court in California has adopted this standard. (*Alex G. ex rel. Dr. Steven G. v. Board of Trustees of Davis Joint Unif. Sch. Dist.* (E.D. Cal. 2005) 387 F.Supp.2d 1119, 1127.)

Behaviors that have been found substantially likely to result in injury include:

Irvine Unif. Sch. Dist. v. Student (2025) OAH Case Number 2025070601:

- defecating in the classroom and throwing feces,
- urinating in the classroom and disrobing,
- attempting to elope from campus,
- kicking adults and hitting peers, and
- biting and scratching staff, breaking the skin which required medical attention.

Corona-Norco Unif. Sch. Dist. v. Student (2025) OAH Case Number 2024120668:

- repeatedly attacking staff, causing injury despite staff wearing protective equipment,
- threatening to bring a firearm to school,
- flipping over desks,
- punching staff with a closed fist, and
- biting and scratching staff, breaking the skin and leaving a scar.

Escondido Union Sch. Dist. v. Student (2022 (amended January 10, 2023))

OAH Case Number 2022090966:

- multiple attempts to elope, and multiple successful elopements from the classroom and campus,
- engaging in sexualized behaviors and threats of sexual assault,
- self-injurious behaviors requiring staff restraints and resulting in 72-hour psychiatric holds,
- biting and scratching staff, and
- threatening to bring weapons to school.

Odyssey Charter Sch. v. Student (2022) OAH Case Number 2022010223:

- eloping from the classroom multiple times per day,
- urinating in the classroom,
- biting staff hard enough to puncture skin,
- hitting and punching which resulted in bruising,
- throwing chairs and stools, and
- climbing on furniture.

OAH decisions are not binding precedent but may be persuasive. (Cal. Code Regs., tit. 5, § 3085.) These cases are persuasive here, because they demonstrate the significant behaviors needed to authorize a removal to an interim alternative educational setting. Student's behaviors here rose to that level. As explained below, Manteca met its burden of proving that Student's current behaviors were substantially likely to result in harm to Student or others.

MAINTAINING STUDENT'S CURRENT PLACEMENT IS SUBSTANTIALLY LIKELY TO RESULT IN INJURY TO STUDENT OR OTHERS

STUDENT'S CURRENT PLACEMENT

At the time of the expedited hearing, Manteca was on summer recess. During the 2025-2026 school year, Student was placed in a special day class for students with Autism-related needs, referred to by the parties as an Autism-Focused SDC, at a Manteca elementary school site. The parties know the name of the specific school site and that name is specifically omitted from this Decision as it may be overly identifiable. Student began attending that school site on August 4, 2025, the start of the 2025-2026 school year.

During the 2025-2026 school year, Student's SDC teacher was Sandra Brasil. Brasil was qualified to teach Student's special education class including providing specialized academic instruction. Brasil had taught in Manteca's Autism program since 2015 and held previous teaching positions beginning in 1997. Brasil's testimony was clear and comprehensive, even when recounting incidents when she was injured as a result of Student's injuries. Brasil's testimony was accorded significant weight.

During the 2025-2026 school year, Brasil's classroom served students in kindergarten and first grade and had a total of 11 students. In addition to Brasil, the classroom was staffed with a classroom paraprofessional, also called an aide. This level of staffing did not include additional adult support that specific students may have as part of their IEP.

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Student's IEP team convened for an IEP team meeting on August 29, 2025. Student's IEP team amended his IEP, through a subsequent amendment dated September 12, 2025. The September 12, 2025, IEP included various accommodations, goals, and services. Specifically, the IEP included the following services:

- 270 minutes per day of specialized academic instruction in the SDC;
- 40, 25-minute-long sessions of speech and language services to be evenly distributed throughout the school year;
- 1,800 minutes per week of intensive individual services in the form of a full-time one-to-one aide; and
- 240 minutes per month of behavior intervention services.

The one-to-one aide and behavior intervention services were to support, collect data, and implement Student's included behavior intervention plan and behavior goals. Student was to attend a general education physical education class. The September 12, 2025, IEP included curb-to-curb transportation services.

Although not included in Student's IEP, Student had an additional paraprofessional assigned to him to assist with data collection while his one-to-one aide provided behavior interventions. This resulted in Student receiving two-to-one aide assistance throughout his school day.

Parent consented to the September 12, 2025, IEP on September 14, 2025. Parent did not consent to any other IEP prior to the expedited due process hearing. Accordingly, the September 12, 2025, IEP, and classroom and related supports as described above, reflected Student's current placement.

As discussed below, even with this high level of support, Student demonstrated multiple, significant behaviors throughout the 2025-2026 school year.

STUDENT'S BEHAVIORS

Student has a significant history of negative behaviors, including aggression towards others, aggression towards objects, property destruction, verbal threats, and elopements. Student does not challenge his general history of serious behaviors, but does not concede that each behavior incident occurred as reported. Accordingly, a discussion of these behaviors is necessary to conduct the remaining analysis for the expedited issue.

Special education teacher Brasil was Student's classroom teacher. Because of this, she interacted with Student every day he attended school. Brasil explained that Student was easily frustrated and would hit peers and staff, kick objects, and bang on doors. She credibly testified that Student would hit the aides and herself daily and would attempt to hit peers on three to four days per week. Student's attempts to hit peers was often unsuccessful because staff would block Student from hitting other children. She also explained that Student repeatedly eloped from her classroom and attempted to elope from campus.

Allison Lenzora was one of the Manteca staff members assigned to provide the behavior intervention services included in Student's IEP. Lenzora held a bachelor's degree in interdisciplinary studies, and a masters's degree in education curriculum and instruction, with an emphasis in applied behavior analysis, called ABA. Lenzora was a Board Certified Behavior Analyst, called a BCBA, since October 2021 and had a current certification.

As part of her duties within Manteca, Lenzora conducted functional behavior assessments, developed behavior intervention plans, and provided support and training to other staff members. During the 2025-2026 school year, Lenzora would visit Student's school site between two to six hours per day, multiple times per week to assist staff members with managing Student's behaviors. During these visits, she collected data on Student's behaviors directly, as well as reviewed data taken by Student's aides and classroom teacher.

Lenzora's testimony was clear, thoughtful, and cooperative when answering questions from both parties. Lenzora also acknowledged when she did not remember something and did not guess. She appeared sincere and truthful while testifying. Lenzora's testimony was accorded significant weight.

Lenzora developed daily behavior sheets for Student's aides to fill out during each school day. Lenzora developed four different versions of this form over the course of the 2025-2026 school year, in response to Student's evolving and increasing behaviors.

Student's proposed December 10, 2025, IEP, which was developed over the course of seven meetings during the winter of 2025 and spring of 2026, included a revised behavior intervention plan, developed in part by Lenzora. The behavior intervention plan included a summary of behavior data taken during the 2025-2026 school year.

Lenzora explained that, between August 14, 2025, and May 18, 2026, Manteca staff collected data on 98 days regarding Student's physical aggression and property destruction behaviors. During that timeframe, staff reported that Student engaged in 4,145 instances of physical aggression, and 3,576 instances of property destruction.

Staff also reported between December 8, 2025, and May 18, 2026, that Student engaged in 132 instances of verbal threats. Examples of Student's significant verbal threats reported by staff included:

- "I want to kill my classmates."
- "I want to kill them."
- "I want you dead."
- "I want you blind."
- "I want you to bleed."
- "I want you on fire."

While not establishing that each of these events occurred, the reported behavior data was consistent with Lenzora's and Brasil's testimony and generally established the intensity and severity of Student's behaviors.

Lenzora and Brasil convincingly explained that Student's behaviors increased in severity over the course of the 2025-2026 school year. This pattern was reflected in Student's discipline reports during the 2025-2026 school year. Below are illustrative examples of Student's significant behaviors.

On October 27, 2025, Student refused to transition between classroom activities. Instead, he repeatedly hit and kicked his aide, and hit and kicked special education teacher Brasil, knocking her glasses across the room. Student's behaviors resulted in staff evacuating the classroom.

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Brasil provided testimony consistent with the entry in Student's behavior report. She explained that Student immediately began hitting when he became frustrated, and that she received bruises on her face and arms after Student struck her. Brasil also explained that Student was nearly as tall as she was and was generally taller than the rest of the students in his class.

Lenzora credibly testified that on January 23, 2026, Student punched her in the face during an attempt to elope.

On March 12, 2026, Student eloped from Brasil's classroom. Brasil explained that Student would frequently elope from the classroom when having a behavior, or when given a task demand that he did not want to do. During these incidents, Student would leave the classroom and would hit the aides who tried to return him to class. The March 12, 2026, behavior log entry was consistent with Brasil's testimony and described one of Student's multiple attempts to elope from campus.

On March 25, 2026, as Brasil explained, Student threw a solid wooden stepstool inside the classroom, with other students nearby. Student threw the stepstool with sufficient force to shatter it. Student then eloped from the classroom and again attempted to elope from campus.

On May 20, 2026, as Brasil explained, Student's behaviors again required staff to evacuate his classroom. Student flipped a table, his desk, and some chairs. He also broke other classroom furniture. Student also struck a peer twice and punched special education teacher Brasil in the face, while she attempted to tie her shoes. Brasil noted that she wears glasses and the punch cut her nose, causing her to bleed. Brasil was advised to seek medical attention to treat her injuries.

On May 26, 2026, Student threatened one of his aides with scissors and punched the aide in the face. Brasil explained that she witnessed part of this incident, but was leading circle time with other students and did not witness Student punching the aide in the face.

Student's behavior report included multiple other documented behavior incidents that reflected Student's problematic aggression, elopement, and threatening behaviors. Although not independently established through testimony, these incidents were consistent with other established incidents through Lenzora and Brasil's testimonies.

Student was suspended for a total of 11 days during the 2025-2026 school year. The last two suspensions were for the May 20, and May 26, 2026, incidents.

On May 28, 2026, Student's IEP team convened for a manifestation determination review, and an IEP team meeting. The manifestation determination was held in response to the two suspensions related to the May 20, and May 26, 2026, behavior incidents described above. The two behaviors were determined to be manifestations of Student's disability.

Student demonstrated significant aggressive and elopement behaviors over the course of the 2025-2026 school year, despite receiving substantial special education supports and services. Maintaining Student's current placement is substantially likely to injure himself or others. Student's behaviors have already resulted in multiple injuries, and the escalating trend of those behaviors increases the likelihood of future injuries.

Manteca proved that maintaining Student's current placement is substantially likely to result in injury to Student or others.

THE BELIEVE PROGRAM IS AN APPROPRIATE INTERIM ALTERNATIVE EDUCATIONAL SETTING

The main disagreement between the parties is whether the Believe Program is an appropriate interim alternative educational setting. Manteca argued that the Believe Program has the necessary services to address Student's negative behaviors, and to allow Student to participate in the general education curriculum and make progress on the goals in his IEP.

Student argued that Manteca failed to prove the Believe Program can meet Student's unique educational needs, or that Student's needs could not be met in another placement within Manteca. As explained below, Manteca proved that the Believe Program is an appropriate interim alternative educational setting.

If the ALJ determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the ALJ may order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days. (20 U.S.C. § 1415(k)(3)(B)(ii)(II); 34 C.F.R. § 300.532(b)(2)(ii).)

If ordered, the interim alternative educational setting must enable the child to continue to participate in the general education curriculum as appropriate, and to progress toward meeting the goals set out in the child's IEP. (20 U.S.C. § 1415(k)(1)(D)(i); 34 C.F.R. § 300.530(d).) The interim alternative educational setting must also enable the child to receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications that are designed to address the problem behavior so that it

does not recur. (20 U.S.C. § 1415(k)(1)(D)(ii); 34 C.F.R. § 300.530(d)(1)(ii).) The IDEA does not require that a school district place a student in the interim alternative educational setting parents prefer. (See *Adams v. State of Oregon* (9th Cir. 1999) 195 F.3d 1141, 1149.)

Student's IEP team convened for Student's triennial review on December 10, 2025. This was the first of seven IEP team meetings convened to complete Student's triennial review, with the final meeting taking place on May 22, 2026. During this final meeting, the IEP team discussed placement within the Believe Program. A representative from the Believe Program attended the May 22, 2026, IEP team meeting to explain the program. Ultimately, Manteca offered Student placement within the Believe Program through his IEP. Parent did not agree with this placement and did not consent to the December 10, 2025, IEP.

Dr. Jody Burriss, Senior Director of Special Education for Manteca, testified about the details of the Believe Program. Burriss held a bachelor's degree in psychology with a minor in biology, a master's degree in educational and counseling psychology, and a doctorate in school psychology. She held pupil personnel services credentials for school psychology and school counseling, a clear administrative services credential, and was a licensed educational psychologist. Burriss also held certifications related to dyslexia testing, autism, behavior management, and crisis intervention.

Burriss's testimony was clear, comprehensive, and detailed. She readily answered questions and often supported her answers with examples. Burriss's testimony was accorded significant weight.

Burriss had worked for Manteca since August 2000, including time as a school psychologist, program specialist, coordinator of special education, and as director. In

her role as Senior Director of Special Education, Burriss oversaw Manteca's special education department and was the district liaison to the San Joaquin County Special Education Local Plan Area. Burriss was familiar with the Believe Program, because she regularly visited the program to visit other students Manteca had placed there, and coordinated with Believe Program staff when looking to place additional students, including Student. Her most recent visit was in March 2026.

The Believe Program includes a small classroom setting, with no more than 12 students per class. The classroom was staffed by one teacher and four classroom aides, in addition to any aides assigned to individual students. The Believe Program includes embedded counseling, social skills, and behavior supports. The program also has areas designated for students to take breaks, including an area designed to assist students in regulating their sensory needs.

The Believe Program is located adjacent to a comprehensive campus but is partitioned off by a fence to prevent students from eloping from campus. Students attending the Believe Program have opportunities to interact with the students attending that comprehensive campus. Manteca does not have a placement with the services and supports included in the Believe Program. The Believe Program can implement Student's operative September 12, 2025, IEP. Manteca proved that the Believe Program is an appropriate interim alternative educational setting.

Student offered multiple unpersuasive arguments that the Believe Program was not an appropriate interim alternative educational setting. For example, Parent believed that the program's policies regarding the use of clear backpacks and daily pat downs

would be harmful to Student. Parent's concerns, however genuine, failed to prove that these policies rendered the Believe Program inappropriate as an interim alternative educational setting.

Student also argued that he had sensory needs which affected his behaviors, and were not adequately addressed by his IEP. Student's argument is not persuasive. An interim alternative education setting need not address all of a student's unique needs. (*Assistance to States for the Education of Children with Disabilities & Preschool Grants for Children with Disabilities* 71 Fed. Reg. 46,549, 46,716 (August 14, 2006).)

Rather, an interim alternative educational setting must enable the child to continue to participate in the general education curriculum as appropriate, and to progress toward meeting the goals set out in the child's IEP. (20 U.S.C. § 1415(k)(1)(D)(i); 34 C.F.R. § 300.530(d).) The question of whether the Believe Program offers Student a FAPE is not determined in this Decision. That finding is not necessary to adjudicate the expedited issue. Rather, the parties will have an opportunity to litigate whether the December 10, 2025, IEP, including placement in the Believe Program, offers Student a FAPE in the non-expedited portion of this matter.

Even if Student requires sensory supports as part of an interim alternative educational setting, the Believe Program provides a structured environment, small group instruction, and an area for Student to engage in sensory regulation activities. These were all items recommended by an occupational therapy independent educational evaluation reviewed by Student's IEP team during his triennial review.

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Student also unpersuasively argued that the Believe Program focuses on behaviors, and Student has other educational needs beyond his behaviors. However, the Believe Program's focus on behavior intervention does not render it an inappropriate interim alternative educational setting. The Believe Program addresses other educational needs, and not only behavior.

Moreover, an interim alternative educational setting must provide behavioral intervention services, and modifications that are designed to address the problem behavior so that it does not recur. (20 U.S.C. § 1415(k)(1)(D)(ii); 34 C.F.R. § 300.530(d)(1)(ii).) Accordingly, the behavior supports included in the Believe Program further support its appropriateness as an interim alternative educational setting.

Manteca met its burden of proving that maintaining Student's placement at a Manteca elementary school was substantially likely to result in injury to Student or others. Manteca also met its burden of proving that the Believe Program is an appropriate interim alternative educational setting. This Decision allows Manteca to remove Student from his current placement and place Student in the Believe Program for a period not to exceed 45 school days, unless otherwise ordered by OAH, or the parties agree otherwise.

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.

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ISSUE 1:

Manteca proved that maintaining Student's current placement is substantially likely to result in injury to Student or others, such that an interim alternative educational setting is appropriate. Manteca also proved that the Believe Program is an appropriate interim alternative educational setting.

Manteca prevailed on Issue 1.

ORDER

1. Manteca may remove Student from his current placement at a Manteca elementary school and place Student at the San Joaquin County Office of Education's Believe Program, as an interim alternative educational setting.
2. The interim alternative educational setting shall last a maximum of 45 school days, at which point Manteca shall return Student to his placement at a Manteca elementary school, unless otherwise ordered by OAH or agreed to by the parties.

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.

Ashok Pathi

Administrative Law Judge

Office of Administrative Hearings