

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2016021032

DECISION

Parent on behalf of Student filed a Request for Due Process Hearing (complaint) with the Office of Administrative Hearings, State of California, on February 22, 2016, naming Los Angeles Unified School District. OAH continued this matter on March 22, 2016 at the request of the parties.

Administrative Law Judge Vernon Bogy heard this matter in Van Nuys, California, on May 9 and 10, 2016.

Arlene Bell, Attorney at Law, represented Student. Student's mother attended each day of the hearing.

Anahid Hoonanian, Attorney at Law, represented District. Francine Metcalf, due process specialist for District, attended the hearing on behalf of District on May 9, 2016. Diana Massaria, District Due Process Coordinator, attended the hearing on behalf of District on May 10, 2016.

At the conclusion of the hearing, the matter was continued until May 27, 2016, to allow the parties to file and serve written closing arguments. Upon timely receipt of

written closing arguments, the record was closed and the matter was submitted for decision on May 27, 2016.

ISSUE

Did District deny Student a free appropriate public education in the October 1, 2015 individualized education program by failing to provide suitable home-to-school transportation services beginning in January 2016?

SUMMARY OF DECISION

Student contends that District denied him a FAPE by failing to offer suitable round trip home-to-school transportation services. Specifically, Mother was concerned that a change in Student's bus and bus driver resulted in it becoming more difficult and dangerous for Student to enter and exit the bus; that the new bus driver left Student standing on the curb on one occasion; that the new bus driver was unable to parallel park the bus; that the new bus driver did not pick up Student in front of Student's home; that the bus was not suited for Student because the seatbelt did not securely strap Student to his seat; and, that the bus emitted noxious and irritating fumes.

Student failed to meet his burden of persuasion on the issue. District must only provide reasonably safe transportation to Student to address his educational needs, and not to accommodate Student's or Mother's convenience or preference. Despite Mother's dissatisfaction with Student's new bus driver and bus and her preference for a smaller bus, District provided suitable and safe round-trip transportation to Student in a manner that addressed Student's disability and educational needs.

FACTUAL FINDINGS

JURISDICTION AND BACKGROUND

1. Student is a six-year-old boy who resides with Mother within District's

geographical boundaries. He is eligible for, and has been receiving, special education and related services under the category of other health impairment, attention deficit hyperactivity disorder. Student also has additional low incidence eligibility under the category of hard of hearing, requiring the use of hearing aids. Student also has been diagnosed with asthma.

2. Student attends Lemay Elementary School in the early education program. He spends the majority of his time in the general education environment.

3. On October 1, 2015, Student's IEP team met to conduct Student's annual IEP team meeting.¹ Mother attended the meeting. After reviewing the results of Student's assessments and his present level of performance, goals and supports, the team determined that Student continued to be eligible for special education services under the eligibility category of other health impairment. The team determined that Student's gross motor skills were appropriate for his age, that his comprehension, expression and social language skills were age appropriate, and that his general cognitive ability was in the broad average range. The IEP included a nursing assessment, which determined that Student's asthma did not impact his participation, performance and access in his educational program. The team determined that physical health was not an area of need for Student. The IEP included a behavior support plan and non-public agency aide support to address Student's behavioral needs in the classroom setting, which were moderate and related to talking out during class. The IEP also included the provision of related services of roundtrip home-to-school transportation during the regular school year and extended school year, and the assistance of a one-to-one bus aide during transportation. Although Mother requested that a smaller

¹ The only IEP in evidence is the October 1, 2015 IEP, and all references to "the IEP" or "the IEP team" refer to the October 1, 2015 IEP.

minivan-type bus be provided for the home-to-school transportation, the IEP team determined that Student's needs could be met with a standard-sized school bus.

STUDENT'S HISTORY ON THE BUS

4. Student has been provided home-to-school transportation services by District since he was three years old. As of the hearing, Student was accompanied on the home-to-school bus by a District-employed bus aide, who met Student at his front door and walked with him to await the arrival of the school bus. Once Student safely entered the bus, the aide assisted him in buckling his seat belt.

5. Student and Mother live in a home located on a busy, multi-lane city street. To assist the bus driver assigned to transport Student and his aide to and from school, Mother, with the cooperation of her neighbors, made efforts to ensure a parking space for the bus in front of her home. Prior to mid-January 2016, the bus driver assigned to Student's route parked in the saved space, and Student and his aide would enter the bus. At the end of the day, the process would be repeated in reverse, and Student and his aide would exit the bus in front of Student's home in the saved space.

6. The buses assigned to transport Student were provided by First Student Transportation, with which District contracted to provide home-to-school transportation to its students. The bus drivers assigned to the bus route covering Student's home address were employees of First Student. District requires that all bus drivers transporting its students meet the state legal requirements for licensure as school bus drivers. On or about January 21, 2016, a new bus driver was assigned by First Student to the bus route covering Student's home address.

THE NEW BUS DRIVER'S TRAINING AND EXPERIENCE

7. The driver assigned to transport Student beginning January 21, 2016 has been employed as a school bus driver since July 2015. The driver holds a class B

commercial driver license, and is certified to drive a school bus by the California Highway Patrol and the Department of Motor Vehicles. The driver's commercial license includes a passenger endorsement, a school bus endorsement, and an airbrakes endorsement, all necessary to allow her to drive a school bus.

8. To certify as a bus driver for District, the driver had not less than forty hours of hands-on behind-the-wheel training, a three-day District orientation where the driver learned District's rules and regulations and District's bus driver manual. The driver took and passed a six-week, three hours per week, "effective school bus driver" training class administered by District. In total, the driver trained for not less than 100 hours prior to becoming certified to drive a school bus for District.

9. Each work day the driver drove the school bus, she performed a twenty-minute inspection of her bus, inspecting the rearview mirrors, the brakes, the tires, windows, windshield, and fire extinguishers, to ensure that all were in proper working order. The driver also checked the undercarriage of the bus to make certain that there were no fluid leaks. Each bus used for Student's home-to-school transportation was equipped with fully functional and adjustable seatbelts.

HOME-TO-SCHOOL TRANSPORTATION PROCEDURE

10. District has a strict protocol for home-to-school transportation. A student is required to be ready and standing 12 feet from the curb in front of his home at least five minutes before the scheduled pickup time. If a student is not in front of his home when the bus arrives, the driver is to wait one minute, and if the student still does not appear, the driver is to contact her dispatcher, who clears the driver to proceed to her next scheduled pickup. The procedure is strictly followed to ensure that the driver remains on-schedule for all student pickups along the route. That procedure was followed with respect to Student, just as it was with all other students along the route. Mother was aware of District's transportation rules.

11. District's protocol requires the driver to park at a safe location nearest to Student's home. The protocol does not require that the driver park directly in front of the home. The bus drivers are prohibited from double parking the buses unless they are accompanied by a "spotter," that is, a person who can guide the driver as she drives in reverse.

CHANGE IN TRANSPORTATION ROUTINE

12. Prior to the assignment of the new driver in January, 2016, Student was typically picked up directly in front of his home.

13. On January 26, 2016, the bus arrived in front of Student's home at approximately 7:30 a.m. The driver double-parked the bus in front of the house next door to Student's home because there was insufficient space to park at the curb, and Student and Student's aide entered the bus. While attempting to enter traffic, the tail swing (that is, the part of the bus which extends behind the rear axle) came in contact with an automobile owned by Mother's daughter, causing minor damage to daughter's vehicle. At that time, there were four students on the bus, including Student, and Student's aide. The driver exited the bus to examine the damage with Mother.

14. After the driver inspected the damage to the other vehicle, another car was moved from the curb by its owner, and the driver was able to park the bus at the curb and call in the accident to her supervisors. The California Highway Patrol arrived at the scene and prepared a traffic collision report. A District representative was also called to the scene.

15. When the bus driver later transported Student home that afternoon, at the direction of her supervisor, the driver dropped him at a street corner approximately one block from Student's home. The driver did so because there was not sufficient space in front of Student's home to park, and the street corner was the safest place nearest his home to drop him off. After Student and the aide exited the bus, Mother met Student

on the sidewalk, approximately one-half block from home.

16. On January 28, 2016, Mother sent an email to the principal of Lemay and District's area bus supervisor to file a complaint about the bus driver's conduct on the day of the January 26, 2016 accident. She requested that District begin providing Student door-to-door transportation.

17. On February 1, 2016, Mother emailed District's area bus supervisor and asked whether District could provide a minivan or a smaller bus for Student's transportation. Mother also stated that she did not believe that the bus driver was sufficiently trained or experienced and requested that District provide a more seasoned driver. District's area bus supervisor responded that same day, advising Mother that she would make the suggestion for a minivan to her supervisor for the following school year, but the same driver remained on the route.

18. On February 8, 2016, Mother emailed District's area bus supervisor to report that the bus had a fuel leak and was emitting fumes which were making everyone on the bus sick; that the bus did not have air conditioning; and, that the bus door was not operating properly. Mother asked that the bus be replaced.

19. District's assistant area bus supervisor inspected the bus and found no evidence of a fuel leak or fumes in the passenger compartment, and confirmed that the bus did have a working heater. The assistant supervisor advised Mother of his findings and also informed Mother that the bus was not required by law to have air conditioning. District received no complaints from any other parents or students of fumes or odors in the bus, or any other issues with the bus. Because the bus was diesel-powered, the smell of diesel fumes was sometimes detectable near the bus.

20. The bus in which Student was transported had a functional and operating automatic door. However, the driver often opened the door manually, because when the door was operated automatically, a metal arm to which is affixed a red stop sign

automatically extended into the traffic side of the bus to alert oncoming traffic. The driver was concerned about extending the arm into traffic because another driver might inadvertently hit the stop sign. To avoid that risk, the driver would open the bus door manually.

21. On February 22, 2016, Mother emailed Student's principal, District's area bus supervisor, District's assistant area bus supervisor, and District's regional transportation manager, to report that on that morning, although the aide had already entered the bus, the bus driver had driven off without picking up Student. On that occasion, the driver had arrived at Student's home, and because Student was not present in front of his home, she waited the requisite one minute. When she did not see Student or his mother, she contacted her dispatcher, who advised the driver to proceed without Student.

22. On another occasion, the driver left Student's home without picking up Student, because Student's aide was home ill. Student was required to have his one-on-one aide while on the bus, and because the aide was not present, the driver was instructed by her dispatcher to proceed without Student.

23. Student never missed school as a result of any issues with the bus or the bus driver. On the two occasions when the driver did not pick up Student, Student's mother drove him to school, although on one of those occasions, February 22, 2016, Student was late to school.

24. In mid-April, 2016, the driver who began transporting Student on January 16, 2016, transferred to another route, and no longer transported Student to and from school.

25. On May 2, 2016, District began picking Student up with a minivan, which could fit into a smaller parking space in front of Student's home. The minivan was provided directly by District rather than First Student, and the driver of the minivan was

a District employee. The use of the minivan at that time was not done as an accommodation to Student, but rather because other, larger buses, were temporarily unavailable. There is no guarantee that Student will continue to be picked up by a minivan for the remainder of the 2015-2016 school year or extended school year.

LEGAL CONCLUSIONS

INTRODUCTION – LEGAL FRAMEWORK UNDER THE IDEA²

1. This hearing was held under the Individuals with Disabilities Education Act, its regulations, and California statutes and regulations intended to implement it. (20 U.S.C. § 1400 et. seq.; 34 C.F.R. § 300.1 (2006)³ et seq.; Ed. Code, § 56000, et seq.; Cal. Code Regs., tit. 5, § 3000 et seq.) The main purposes of the IDEA are (1) to ensure that 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 employment and independent living, and (2) to ensure that the rights of children with disabilities and their parents are protected. (20 U.S.C. § 1400(d)(1); see Ed. Code, § 56000, subd. (a).)

2. A FAPE means special education and related services that are available to an eligible child at no charge to the parent or guardian, meet state educational standards, and conform to the child's IEP. (20 U.S.C. § 1401(9); 34 C.F.R. § 300.17.) "Special education" is instruction specially designed to meet the unique needs of a child with a disability. (20 U.S.C. § 1401(29); 34 C.F.R. § 300.39; Ed. Code, § 56031.) "Related

² Unless otherwise indicated, the legal citations in the introduction are incorporated by reference into the analysis below.

³ All references to the Code of Federal Regulations are to the 2006 version, unless otherwise noted.

services” are transportation and other developmental, corrective, and supportive services that are required to assist the child in benefiting from special education. (20 U.S.C. § 1401(26); 34 C.F.R. § 300.34; Ed. Code, § 56363, subd. (a).) In general, an IEP is a written statement for each child with a disability that is developed under the IDEA’s procedures with the participation of parents and school personnel that describes the child’s needs, academic and functional goals related to those needs, and a statement of the special education, related services, and program modifications and accommodations that will be provided for the child to advance in attaining the goals, make progress in the general education curriculum, and participate in education with disabled and non-disabled peers. (20 U.S.C. §§ 1401(14), 1414(d); Ed. Code, § 56032.)

3. In *Board of Education of the Hendrick Hudson Central School District v. Rowley* (1982) 458 U.S. 176, 201 [102 S.Ct. 3034] (*Rowley*), the Supreme Court held that “the ‘basic floor of opportunity’ provided by the [IDEA] consists of access to specialized instruction and related services which are individually designed to provide educational benefit to” a child with special needs. *Rowley* expressly rejected an interpretation of the IDEA that would require a school district to “maximize the potential” of each special needs child “commensurate with the opportunity provided” to typically developing peers. (*Id.* at p. 200.) Instead, *Rowley* interpreted the FAPE requirement of the IDEA as being met when a child receives access to an education that is reasonably calculated to “confer some educational benefit” upon the child. (*Id.* at pp. 200, 203-204.) The Ninth Circuit Court of Appeals has held that despite legislative changes to special education laws since *Rowley*, Congress has not changed the definition of a FAPE articulated by the Supreme Court in that case. (*J.L. v. Mercer Island School Dist.* (9th Cir. 2010) 592 F.3d 938, 950 [In enacting the IDEA 1997, Congress was presumed to be aware of the *Rowley* standard and could have expressly changed it if it desired to do so.]) Although sometimes described in Ninth Circuit cases as “educational benefit,” “some educational

benefit,” or “meaningful educational benefit,” all of these phrases mean the *Rowley* standard, which should be applied to determine whether an individual child was provided a FAPE. (*Id.* at p. 951, fn. 10.)

4. 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, evaluation, or educational placement of the child, or the provision of a FAPE to the child. (20 U.S.C. § 1415(b)(6); 34 C.F.R. § 300.511; Ed. Code, §§ 56501, 56502, 56505; Cal. Code Regs., tit. 5, § 3082.) At the hearing, the party filing the complaint has the burden of persuasion by a preponderance of the evidence. (*Schaffer v. Weast* (2005) 546 U.S. 49, 56-62 [126 S.Ct. 528]; see 20 U.S.C. § 1415(i)(2)(C)(iii) [standard of review for IDEA administrative hearing decision is preponderance of the evidence].) In this case, Student, as the complaining party, bears the burden of proof.

DISTRICT’S OBLIGATION TO PROVIDE SUITABLE TRANSPORTATION AS A RELATED SERVICE

5. The sole issue in this case is whether Student was denied a FAPE in the October 1, 2015 individualized education program by District’s failure to provide suitable home-to-school transportation services beginning in January 2016, when a change was made in the bus and bus driver provided for Student’s transportation.

6. There are two parts to the legal analysis of a school district’s compliance with the IDEA. First, the tribunal must determine whether the district has complied with the procedures set forth in the IDEA. (*Rowley, supra*, 458 U.S. at pp. 206-207.) Second, the tribunal must decide whether the IEP developed through those procedures was designed to meet the child’s unique needs, and was reasonably calculated to enable the child to receive educational benefit. (*Ibid.*) Student raised no procedural issues in this case. The focus therefore is on whether the related service of home-to-school transportation was designed to meet Student’s unique needs and reasonably calculated

to enable Student to receive educational benefit.

7. In resolving the question of whether a school district has offered a FAPE, the focus is on the adequacy of the school district's proposed program. (*Gregory K. v. Longview School Dist.* (9th Cir. 1987) 811 F.2d 1307, 1314.) A school district is not required to place a student in a program preferred by a parent, even if that program will result in greater educational benefit to the student. (*Ibid.*) For a school district's offer of special education services to a disabled pupil to constitute a FAPE under the IDEA, a school district's offer must be designed to meet the student's unique needs, comport with the student's IEP, and be reasonably calculated to provide the student with some educational benefit in the least restrictive environment. (*Ibid.*) Whether a student was offered or denied a FAPE is determined by looking to what was reasonable at the time the IEP was developed, not in hindsight. (*Adams v. State of Oregon* (9th Cir. 1999) 195 F.3d 1141, 1149, citing *Fuhrman v. East Hanover Bd. of Education* (3rd Cir. 1993) 993 F.2d 1031, 1041.)

8. In California, related services are called "designated instruction and services." (Ed. Code, § 56363, sub. (a).) Designated instruction and services includes transportation and developmental, corrective and other supportive services as may be required to assist the child in benefiting from special education. (20 U.S.C. § 1401(26)(A); Ed. Code, § 56363, subd. (a); *Irving Independent School Dist. v. Tatro* (1984) 468 U.S. 883, 891 [104 S.Ct. 3371, 82 L.Ed.2d. 664].) Designated instruction and services shall be provided "when the instruction and services are necessary for the pupil to benefit educationally from his or her instructional program." (Ed. Code, § 56363, subd. (a).)

9. A school district that transports a student has a duty to exercise reasonable care in the circumstances. (Ed. Code, § 44808; *Farley v. El Tejon Unified School Dist.* (1990) 225 Cal.App.3d 371, 376.) The transportation must be reasonably safe. (*Eric M. v. Cajon Valley Union School Dist.* (2009) 174 Cal.App.4th 285, 293; *Student*

v. Los Angeles Unified School Dist. (2006) Cal.Offc.Admin.Hrngs. Case No. N2006020443.) However, the IDEA requires transportation of a disabled child only to address his educational needs, not to accommodate a parent's convenience or preference. (*Fick v. Sioux Falls School Dist.* 49-5 (8th Cir. 2003) 337 F.3d 968, 970 (*Fick*); *Student v. Los Angeles Unified School Dist.* (2010) Cal.Offc.Admin.Hrngs. Case No. 2009080646.)

10. The IDEA regulations define transportation as: (i) travel to and from school and between schools; (ii) transportation in and around school buildings; and (iii) specialized equipment (such as adapted buses, lifts, and ramps), if required to provide transportation for a child with a disability. (34 C.F.R. § 300.34(c)(16)(2006).) Decisions regarding such services are left to the discretion of the IEP team. (Analysis of Comments and Changes to 2006 IDEA Part B Regulations, 71 Fed. Reg. 46576 (August 14, 2006).) Taking into consideration local transportation policies, a district must provide transportation or other related services only if a student with a disability requires it to benefit from his or her special education. (20 U.S.C § 1401(26)(A); 34 C.F.R. § 300.34(a); Ed. Code, §§ 56342, subd. (a) & 56363, subd. (a).)

11. Federal law does not state whether transportation as a related service must be door-to-door, *Fort Sage Unified Sch. Dist./ Lassen County Office of Educ.*, (Cal. SEA 1995) 23 IDELR 1078, nor does the IDEA explicitly define transportation as door-to-door services. Decisions regarding such services are left to the discretion of the IEP team. (Analysis of Comments and Changes to 2006 IDEA Part B Regulations, 71 Fed.Reg. 46576 (August 14, 2006).)

12. Although the Ninth Circuit has not specified criteria for determining whether a child needs transportation as a related service, other circuits have indicated some guidelines that are useful in evaluating this case. Relevant factors include, at least, (1) the child's age; (2) the distance the child must travel; (3) the nature of the area

through which the child must pass; (4) the child's access to private assistance in making the trip; and (5) the availability of other forms of public assistance in route, such as crossing guards or public transit. (*Donald B. By and Through Christine B. v. Board of School Com'rs of Mobile County, Ala.* (11th Cir. 1997) 117 F.3d 1371, 1375 (*Donald B.*). The Eighth Circuit has considered requests for transportation for students with disabilities and concluded that "a school district may apply a facially neutral transportation policy to a disabled child when the request for deviation from the policy is not based on the child's educational needs, but on the parents' convenience or preference." (*Fick, supra*, 337 F.3d, at p. 970, citing *Timothy H. v. Cedar Rapids Cmty. School Dist.* (8th Cir. 1999) 178 F.3d 968, 973; see also *Anchorage School Dist. v. N.S. ex rel. R.P.* (D. Alaska, Nov. 8, 2007), No. 3:06-cv-264 JWS) 2007 WL 8058163, at ¶10 [district responsible for pushing student's wheelchair from the curb to the front door of his home because door-to-door service was not "based on the guardians' mere convenience of [sic] preference" where "[b]oth guardians work full time . . . and are unavailable to push [the student] up the ramp at the end of his day."].)

13. Student has not met his burden of proof to establish that District denied him a FAPE by failing to offer suitable transportation services. At the October 1, 2015 IEP team meeting, the IEP team determined, and Mother did not disagree, that Student's gross motor skills were appropriate for his age, that his comprehension, expression and social language skills were age appropriate, and that his general cognitive ability was in the broad average range. The nursing assessment for the IEP was that Student's asthma did not impact his participation, performance and access in his educational program, and Student's physical health was found to not be an area of need.

14. Evaluating the appropriateness of the transportation provided Student under the factors set forth in *Donald B.*, Student was six years old, with age-appropriate motor skills, comprehension, expression and social language skills. Student lived on a

large, multi-lane street which presented no safety concerns related to the location to which Student needed to walk to meet the bus; there was no need for Student to cross that street to reach the school bus, or that he would in any other way be endangered by the street traffic by walking the block from the bus to his home. When walking to the bus, Student was escorted by his District-assigned one-to-one bus aide, who ensured that Student safely entered the bus and that his seatbelt was properly fastened and adjusted. The aide also made certain that Student arrived safely to his classroom. Because the bus parked at the safest location nearest Student's home, and because he was met and accompanied by the bus aide when walking to the bus, there was no need for any other assistance for Student to reach the bus safely.

15. The evidence does not support a finding that the transportation provided beginning with the arrival of the new bus and bus driver in January 2016 was in any manner unsafe. The bus was equipped with functional and adjustable seatbelts. The doors of the bus operated properly and were opened manually by the driver only in the interests of safety. The bus had a working heater. The bus did not have any sort of fluid or fuel leak, and nobody else, either other students who rode the bus or their parents, complained about any fumes coming from the bus. The bus driver was fully certified and licensed to drive a school bus, and had more than 100 hours of training prior to becoming certified to drive a school bus for District.

16. While Mother made reasonable efforts to have a parking space available directly in front of the home every day, the evidence established that District's transportation protocol and procedure was to park at the nearest safe location, and Mother's preferences with respect to the assignment of the school bus driver and the Student's pick up and drop off location did not establish that the transportation services provided by District did not adequately meet Student's needs. Rather, the evidence shows that the home-to-school transportation services provided by District adequately

met Student's needs. Student's unique needs as determined by the IEP team did not require that he be picked up at his front door or in front of his home, or that he requires specialized home-to-school transportation services including a minivan or small bus. There is no reason he cannot travel to and from school in a conventional school bus.

17. The means and manner of the transportation provided to Student did not impede his ability to advance and attain his needs or academic and functional goals related to those needs, or prevent him from making progress in his general education curriculum or to participate in his education with his peers, disabled or non-disabled. Student's behavioral needs were moderate and related to talking out in class, and did not require unique or specially tailored home-to-school transportation services or the use of adaptive or assistive equipment on the bus.

18. Student has successfully accessed bus transportation and has attended school without any missed days due to transportation issues. There is no evidence that the home-to-school transportation as provided caused any deprivation of educational benefit, and instead the evidence establishes that Student attended school regularly. The single incident of February 22, 2016, where the driver did not pick Student up because Student was not in the designated pickup spot at the appropriate time, causing Student to be late to school, did not, standing alone, result in a loss of educational benefits or a denial of FAPE. Mother was aware of District's transportation rules, which were related to the proper purpose of providing on time transportation services to all children on the bus. Student's failure to be at the bus stop on time violated those rules. Therefore, even if Student had not been able to get to school that day, District was not required to wait for him to the detriment of the other students being transported on that bus.

19. Student failed to meet his burden of proof that the means and manner of home-to-school transportation provided by District was not appropriate under the

October 1, 2015 IEP, or that District failed to provide Student a FAPE.

ORDER

Student's claim for relief is denied.

PREVAILING PARTY

Education Code section 56507, subdivision (d), requires that this Decision indicate the extent to which each party prevailed on each issue heard and decided in this due process matter. District prevailed as to the only issue that was heard and decided in this case.

RIGHT TO APPEAL THIS DECISION

This is a final administrative decision, and all parties are bound by it. Pursuant to Education Code section 56506, subdivision (k), any party may appeal this Decision to a court of competent jurisdiction within 90 days of receipt.

DATED: June 20, 2016

/s/

VERNON BOGY

Administrative Law Judge

Office of Administrative Hearings