BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

PARENTS ON BEHALF OF STUDENT

v.

SAUGUS UNION SCHOOL DISTRICT

CASE NO. 2025060318

DECISION

OCTOBER 17, 2025

On June 9, 2025, the Office of Administrative Hearings, called OAH, received a due process hearing request from Parents on behalf of Student, naming Saugus Union School District, called Saugus. The complaint contained expedited and non-expedited hearing claims. OAH set the expedited and non-expedited matters for separate hearings. The expedited claims were heard on July 1 and 2, 2025, and resolved by Decision issued on July 15, 2025. At a prehearing conference held on August 11, 2025, OAH granted the parties a continuance so they could mediate. Thereafter, Administrative Law Judge Chris Butchko heard this matter by videoconference on September 9 and 10, 2025.

Parent represented Student at hearing. Attorney Sundee Johnson represented Saugus. Darcie Quinn, Saugus' Director of Student Services, attended all hearing days on Saugus' behalf.

At the parties' request, the matter was continued to September 22, 2025, for written closing briefs. The record was closed, and the matter was submitted on that date.

ISSUES

With input from both Student and Saugus, the ALJ rephrased and clarified the issues for the non-expedited hearing from those stated in the parties' prehearing conference statements, as allowed by the holdings in *J.W. v. Fresno Unified School Dist*. (9th Cir. 2010) 626 F.3d 431, 442-443, and *Ford v. Long Beach Unified School Dist*. (9th Cir. 2002) 291 F.3d 1086, 1090. (But see *M.C. v. Antelope Valley Union High School Dist*. (9th Cir. 2017) 858 F.3d 1189, 1196, fn. 2 [dictum].) No change in substance has been made.

1. Did Saugus deny Student a free appropriate public education, known as FAPE, in the 2024-2025 school year by systematically isolating him during lunch period which:
    a. denied him access to the least restrictive environment;
    b. removed him from typical peer interactions essential for social development;

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c. was a disciplinary measure inappropriate for a student with autism; or

d. failed to address the underlying communication-related deficits?

2. Did Saugus deny Student a FAPE by:

   a. failing to provide prior written notice of disciplinary actions;

   b. failing to ensure meaningful parental participation in educational decision making at the December 4, 2024 individualized education program team meeting; or

   c. imposing improper disciplinary procedures on a student with disabilities?

3. Did Saugus deny Student a FAPE by failing to educate Student in the least restrictive environment because it forced him to eat lunch alone in the office?

The original Issue One from Student's due process hearing request was heard at an expedited hearing and resolved by the July 15, 2025 Decision. The original Issue Four from Student's due process hearing request asserted violations of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.) and the Americans with Disabilities Act (42 U.S.C. §§ 1201, et seq.) which are outside the jurisdiction of OAH. (*Wyner v. Manhattan Beach*

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Unified School. Dist. (9th Cir. 2000) 223 F.3d 1026, 1028-1029.) The ALJ dismissed Issue Four from Student's complaint at the prehearing conference. The numbering of issues has been adjusted to reflect the removal of the original Issues One and Four.

All testimony and admitted exhibits from the expedited hearing are part of the record for this Decision.

JURISDICTION

This hearing was held under the Individuals with Disabilities Education Act, referred to as the 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 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. (20 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).) Student, as the filing party, had the burden of proof as to all issues. 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 had just completed first grade at the time of the hearing. Student resided within Saugus' geographic boundaries at all relevant times. Student's primary eligibility for special education was as a student with a speech or language impairment. Student also qualified for special education under other health impairment, due to characteristics of attention-deficit/hyperactivity disorder, referred to as ADHD. Student was first found eligible for special education services at an individualized education program, known as an IEP, team meeting on February 25, 2025.

ISSUE 1a: DID SAUGUS DENY STUDENT A FAPE IN THE 2024-2025 SCHOOL YEAR BY SYSTEMATICALLY ISOLATING HIM DURING LUNCH PERIOD WHICH DENIED HIM ACCESS TO THE LEAST RESTRICTIVE ENVIRONMENT?

Student contends Saugus punished him for behavior incidents by being repeatedly taking him from the normal school environment and forcing him to eat his lunch alone in an administrative office. In doing so, Student argues Saugus denied his right to be educated in the least restrictive environment.

Saugus counters that Student was not systematically isolated. It asserts Student was disciplined once for an act of misbehavior by being made to visit the Principal's office twice during his lunch period. Saugus argues that discipline did not change his placement or deny his right to be educated in the least restrictive environment.

A FAPE means special education and related services that are available to an eligible child that meets state educational standards at no charge to the parent or guardian. (20 U.S.C. § 1401(9); 34 C.F.R. § 300.17.) Parents and school personnel develop 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. (*Board of Education of the Hendrick Hudson Central School Dist. v. Rowley* (1982) 458 U.S. 176, 201-204; *Endrew F. v. Douglas County Sch. Dist. RE-1* (2017) 580 U.S. 386, 402 [137 S.Ct. 988, 1000].)

Under the IDEA, schools are directed to educate children with special needs with their typically developing peers to the greatest extent possible. (34 C.F.R. § 300.114(a)(2).) FAPE requires that a child with special needs be educated in the least restrictive environment. Placement in a general education class with appropriate aids and services is the least restrictive environment for a child with special needs. (*Sacramento City Unified Sch. Dist. v. Rachel H.* (9th Cir. 1994) 14 F.3d 1398, 1404.) Only

if a child's needs cannot practicably be met in general education, may more restrictive placements, such as self-contained special day classes, be considered. (*Daniel R.R. v. State Board of Ed*. (5th Cir. 1989) 874 F.2d 1036, 1050; Ed. Code § 5631.)

A school district may apply its disciplinary procedures to a disabled child in the same manner and for the same duration as the procedures would be applied to nondisabled children, that is, they may be suspended, expelled or otherwise disciplined just like their typically developing, non-disabled peers. (20 U.S.C. § 1415(k)(1)(B).)

> "The Department of Education has observed that, '[w]hile the [child's] placement may not be changed [during any complaint proceeding], this does not preclude the agency from using its normal procedures for dealing with children who are endangering themselves or others.' Comment following 34 C.F.R. § 300.513 (1987). Such procedures may include the use of study carrels, timeouts, detention, or the restriction of privileges."

(*Honig v. Doe* (1988) 484 U.S. 305, 325.)

The IDEA's protections for children with disabilities are triggered only if a child's placement is changed for more than 10 days as a disciplinary action. (20 U.S.C. § 1415(k)(1)(C), 34 C.F.R. § 300.536(a).)

Student's first and only year of attendance in a Saugus school was for first grade in the 2024-2025 school year. Student was not eligible for special education at the beginning of the school year, and was placed in a general education classroom.

The school year began on August 13, 2024. On the morning of September 26, 2024, Saugus disciplined Student for participating in a play-fighting incident in a grassy area on the playground. The incident was recorded in the school's database and classified as causing or attempting to cause physical injury to another person under California Education Code section 48900(a)(1).

California Education Code section 48900 sets out the actions for which a student may be suspended or expelled from school. Listed actions include:

- Causing, attempting to cause, or threatening to cause physical injury
- using force on or injuring other students
- possessing weapons or controlled substances
- damaging school property
- possessing or using tobacco
- habitual profanity or vulgarity
- disrupting school activities
- defying the authority of school personnel
- sexual assault
- harassing a witness in a school disciplinary proceeding
- engaging in hazing
- engaging in bullying

Student was pulled into the play-fighting by other students and was not a willing participant. Student was given a warning and restricted from the grassy area for the rest of the day. The school contacted Parent about the incident.

Saugus next disciplined Student on October 29, 2024, for telling two students to "watch their (sic) mouth." The incident took place during lunch break and was recorded as rude or inappropriate language under California Education Code section 48900(i), which proscribes habitual vulgarity. Student was given a warning and had a restorative conversation.

Saugus convened a Student Success Team meeting on December 4, 2024, to discuss Student's academic difficulties. Student's teacher initiated the process because Student's speech was hard to understand and he had difficulty initiating and maintaining attention. As a result of the meeting, Saugus prepared an assessment plan to determine if Student qualified for special education supports and services as a child with a disability. The team agreed to assess Student in a variety of areas, including psychoeducational and speech and language assessments. The Student Success Team meeting was not recorded.

Student had no other disciplinary incidents until February 10, 2025, when other students prevented Student from participating in a game during lunch break and Student punched the student he blamed for excluding him. The incident was recorded in the school's database and classified as a use of force under California Education Code section 48900(a)(2). School staff gave Student a warning, retaught him expected behavior, and led a restorative conversation with the students. The next entry in

Student's discipline log reported Student was a victim of physical injury under California Education Code section 48900(a)(1) after being struck by another student on February 20, 2025.

Student's final disciplinary entry stated that on February 25, 2025, Student touched another student "on the botto[m] at lunch," which was not given a disciplinary code in the school's records. Student was given a warning, was retaught expected behavior, and Parent was contacted about the incident.

Saugus assessed Student and held his initial IEP team meeting on February 25, 2025. The IEP team found Student eligible for special education services under the speech or language impairment and other health impairment categories. Student's social functioning was evaluated as part of the speech and psychoeducational assessments, but was not found to be an area of concern. The IEP team recommended continued placement in a general education classroom, but added special education supports for speech and academics. The IEP team found Student had difficulties with sustaining attention, organizing tasks, and staying seated, but did not have any maladaptive behaviors. Student's disciplinary incidents were not an issue or area of concern for the IEP team.

Parent believed Student displayed characteristics of autism, but the IEP team found only that Student had "ADHD-like characteristics that impact his alertness" and affected his academic performance. Student's IEP offered 60 minutes per week of speech and language services and 150 minutes per week of academic support. Parent agreed to the IEP.

A paraeducator provided the academic support, meeting with Student three times a week in a separate room. Beginning in May 2025, Student began to comment on the Paraeducator's weight and would touch her arms, which upset the Paraeducator. After about 10 occurrences, the Paraeducator reported Student's misbehavior to his classroom teacher on June 5, 2025. The Teacher brought Student to the Assistant Principal during lunch period. The Assistant Principal told Student that his comments were hurtful and unacceptable and instructed him to come back the next day to write an apology to the Paraeducator. Student was very remorseful. Student was in the administrative office for about 15 minutes.

Student returned to the office the next day during his lunch period and met with the Principal, who had been absent the previous day. Student brought his lunch with him and worked on his apology to the Paraeducator, which included a drawing of a dinosaur. Student ate his lunch in the office. The Principal released Student to the play yard for the remainder of the lunch period once he wrote the apology.

Student's disciplinary issues did not demonstrate any pattern of behavior. They involved different types of misbehavior and arose in different contexts. School administrators were only involved with the September 26, 2024 and June 5, 2025 incidents. Student was sent to the Principal's office for resolution of those two events, which were the only times Student was removed from the general education environment. Student was restricted from entering the grassy area of the play yard for the remainder of the day due to the September 26, 2024 incident, and Student was directed to return to the Principal's office on June 6, 2025, to write an apology note. Saugus removed Student from the general education environment for disciplinary reasons three times.

Student was not removed from general education for more than 10 consecutive school days nor subjected to a series of removals that constituted a pattern. (34 C.F.R. § 300.536(a)(1) and (2).) Accordingly, Student was appropriately disciplined under the same procedures that apply to non-disabled students. Student was not denied his right to be educated in the least restrictive environment.

Student was not systematically isolated. Student was sent to the Principal's office for two incidents and was removed from or limited in his access to the general education environment three times. The events that caused his removal or restriction were not similar, one involving a dust-up in the play yard and the other concerning rudeness to a paraeducator. Student has not explained how these dissimilar events and consequences constituted systematic isolation.

Student did not directly discuss this issue in his closing brief. Instead, Student argued Saugus staff that testified at hearing were not credible. Student asserted the Saugus staff lied about there being no recording of the December 4, 2024 Student Success Team meeting. Parent testified the meeting was recorded and Saugus did not produce the recording after parent requested it. Parent notes that all four Saugus witnesses testified the meeting was not recorded but all four agreed they introduced themselves at the meeting "for the record." The staff also testified that such meetings would only be recorded if a parent requested it. Parent did not claim to have made a request to have the meeting recorded but testified, without details, that Parent consented to have the meeting recorded. Saugus' witnesses were credible in their denials that the meeting was recorded. Their testimonies all agreed that it was very unusual that a Student Success Team meeting be recorded and they each appeared appropriately taken aback when first asked if the meeting had been recorded.

Parent argues that the consistency of the Saugus staff's testimony suggests witness preparation rather than truthful testimony. Parent's demeanor during testimony did not suggest untruthfulness. However, Parent's version of events is vague and implausible. Parent testified about giving agreement to have the December 4, 2024 Student Success Team meeting recorded, but does not claim to have requested recording. No details are given as to when consent was requested or why recording was sought, who operated the recorder, what was used to make the recording, how the recording was managed and stored, or any subsequent use of or purpose for the recording. It simply dropped out of sight until Parent requested it in connection with this litigation. Further, it is unlikely that Saugus would have taken the unusual step of recording a Student Success Team meeting, which has little legal significance, for some unknown purpose but did not record the IEP team meeting held two months later. It is much more likely that the Saugus witnesses' testimony was consistent because it was truthful.

Student argued that a recording of the Student Success Team meeting would disclose that Parent raised concerns about Student's behavior. Student did not identify those concerns or how such concerns would relate to the issues in this action. At most, Student has asserted that Parent provided documentation at the meeting to support a formal request to be assessed for suspected autism. No formal request for assessment was presented at hearing and no such request appeared in the record. In any event, as a result of the Student Success Team meeting, Student was assessed in speech and language and psychoeducational functioning. Both assessments include consideration of social pragmatics and emotional development, and neither found reason to suspect autism. If the Student Success Team were told that Parent had concerns about Student's misbehavior, the same assessments would have been conducted.

Further, Student's misbehavior at the time of the Student Success Team meeting was extremely minimal. On December 4, 2024, Student had two events in his disciplinary log: the September 26, 2024 play-fight in the yard and the October 29, 2024 "watch their mouth" comment. If the recording existed, it would offer nothing of significance to the consideration of Student's condition or his actions in May and June of 2025. The dispute between the parties about whether the meeting was recorded concerns a minor ancillary fact and does not significantly impact anyone's credibility.

Student's brief argued that the credibility of the Saugus staff was further undermined because they characterized Student's behavior incidents as minor events, even though the disciplinary record referred to "criminal education codes," "criminal codes," and "criminal violence codes." Parent argued this "criminalized" Student's behavior. No support is given for this assertion, but from context it appears that Parent was arguing that the event codes given in Student's discipline logs were for criminal acts in the criminal code. The codes were in fact from California Education Code section 48900, which is not part of the criminal code. Although some of the acts listed can constitute criminal behavior, others, such as habitual vulgarity and tobacco use, are not. As the misbehaviors were not reported to criminal law authorities and were resolved through reteaching and restorative practices, it does not impugn the credibility of the Saugus witnesses that they characterized the events as minor transgressions.

Similarly, Student's assertion that Saugus staff provided "demonstrably false" testimony about the number of times Student was removed from his placement for disciplinary reasons was unpersuasive. Student argues that he "testified he was in the office eating lunch 'a lot' but couldn't provide specific numbers." Student did not testify

at either hearing. Student's brief also argued that Saugus had an "established two-day disciplinary pattern across multiple documented incidents" which gave "substantial credibility" to Student's testimony. These arguments are unsupported by the record.

Parent testified at the expedited hearing that Student told her he was in the Principal's office a lot, but could not say how many times. Parent is reporting another person's statement as proof of an event. That is hearsay evidence which is not corroborated and too vague to justify a finding of fact that there was a systematic practice of isolating Student. No two-day disciplinary pattern was established. In response to the June 5, 2025 incident, Student was directed to return the next day to write an apology. All other events in Student's disciplinary logs were resolved on the day they occurred.

Only the September 26, 2024 event also involved a visit to the Principal's office. The Principal testified Student was in her office one time, which was misleading or incorrect. Student visited the office on September 26, 2024, and was also sent to the office on June 5 and 6, 2025. From context, the comment is understandable as confined to the witness' personal recollection. The Principal was not at school on June 5, 2025, and Student met with the Assistant Principal that day. Student's September 26, 2024 office visit took place before Student was eligible for special education, and the Principal's answer can be viewed as relating to the period from his eligibility finding on February 25, 2025. Student has not proven that Saugus staff presented meaningfully untruthful testimony about the number of times Student was removed from his placement for disciplinary reasons.

Student has the burden of proof as to all elements of his claims. Even if all contrary testimony were discounted, Student failed to meet the burden. Student was not systematically isolated during lunch period or at any other time. Student was placed in general education and subjected to appropriate disciplinary procedures.

Student was not denied his right to be educated in the least restrictive environment.

ISSUE 1b: DID SAUGUS DENY STUDENT A FAPE IN THE 2024-2025 SCHOOL YEAR BY SYSTEMATICALLY ISOLATING HIM DURING LUNCH PERIOD WHICH REMOVED HIM FROM TYPICAL PEER INTERACTIONS ESSENTIAL FOR SOCIAL DEVELOPMENT?

Student contends that he was punished for behavior incidents by being repeatedly taken from the normal school environment and forced to eat his lunch alone in an administrative office. Student argues that this took him away from interactions with neurotypical peers and thereby deprived him of opportunities for social development.

Saugus counters that Student was not systematically isolated and therefore was not removed from typical peer interactions essential for social development.

Student, again, did not directly discuss this issue in briefing. Student's contentions in briefing were discussed in Issue 1(a) and the same conclusion is drawn. Student was not systematically isolated at lunch or at any other time.

Student has failed to carry his burden of demonstrating that Saugus denied him access to interactions with typical peers.

ISSUE 1c: DID SAUGUS DENY STUDENT A FAPE IN THE 2024-2025 SCHOOL YEAR BY SYSTEMATICALLY ISOLATING HIM DURING LUNCH PERIOD WHICH WAS A DISCIPLINARY MEASURE INAPPROPRIATE FOR A STUDENT WITH AUTISM?

Student contends that he was punished for behavior incidents by being repeatedly taken from the normal school environment and forced to eat his lunch alone in an administrative office. Student argues such isolation was particularly inappropriate as disciplinary measure for him because he was a student with autism.

Saugus again counters that Student was not systematically isolated, so he was not subjected to a potentially inappropriate disciplinary procedure. In addition, Saugus notes that Student was not found to be a student with autism and Student did not demonstrate that he was a student with autism.

Student also did not confront this issue in briefing. The one mention of autism is in the statement of facts, where Student asserts that Parent provided medical documentation at the December 4, 2024 Student Success Team meeting to justify a formal request to be evaluated for "dyslexia and suspected autism/attention deficit/hyperactivity disorder." Student did not present evidence that he was or would be eligible for special education services as a student with autism. Further, as noted in Issue 1(a), Student was not systematically isolated at lunch or any other time.

Student has failed to carry his burden of demonstrating that he was denied a FAPE by the imposition of inappropriate discipline.

ISSUE 1d: DID SAUGUS DENY STUDENT A FAPE IN THE 2024-2025 SCHOOL YEAR BY SYSTEMATICALLY ISOLATING HIM DURING LUNCH PERIOD WHICH FAILED TO ADDRESS THE UNDERLYING COMMUNICATION-RELATED DEFICITS?

Student contends that systematically isolating him during lunch period failed to address his disability-related communication deficits.

Saugus contends that because Student did not establish that he was systematically isolated during lunch it cannot be said that doing so failed to address underlying communication deficits.

Student does not address this issue in briefing.

Issue 1(d) does not assert a failure of an IEP to provide appropriate supports and services for Student's needs due to disability, but instead charges that Student was denied a FAPE because a disciplinary procedure did not address Student's disability-related needs. Student's complaint, prove-up at hearing, and final briefing did not demonstrate how Student's disciplinary incidents involved disability-related needs that Saugus was required to address. Further, as noted by Saugus and determined in Issue 1(a), Student has failed to show Saugus systematically isolated him during his lunch period.

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Student has failed to meet his burden of proof to show that he was systematically isolated during lunch period, a disciplinary action which failed to address his underlying disability-related deficits.

ISSUE 2a: DID SAUGUS DENY STUDENT A FAPE BY FAILING TO PROVIDE PRIOR WRITTEN NOTICE OF DISCIPLINARY ACTIONS?

Student asserts that Saugus failed to provide Parent with prior written notice before imposing discipline on Student.

Saugus contends that it had no duty to provide prior written notice of disciplinary actions and that it took no actions requiring the provision of notice.

A school district must provide written notice to the parents of a pupil whenever the district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the pupil, or the provision of a FAPE to the pupil. (20 U.S.C. § 1415(b)(3); 34 C.F.R. § 300.503(a); Ed. Code, § 56500.4, subd. (a).) The notice must contain:

1. a description of the action refused by the agency,
2. an explanation for the refusal, along with a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the refusal,
3. a statement that the parents of a disabled child are entitled to procedural safeguards, with the means by which the parents can obtain a copy of those procedural safeguards,
4. sources of assistance for parents to contact, and

5. a description of other options that the IEP team considered, with the reasons those options were rejected, and

6. a description of the factors relevant to the agency's refusal.

(20 U.S.C. § 1415(c)(1); 34 C.F.R. § 300.503(b)(2006); Ed. Code, § 56500.4, subd. (b).)

Student's briefing does not address the issue of prior written notice.

There is no requirement under the IDEA to notify parents of children with special needs before imposing ordinary discipline applicable to all students. Prior written notice would have been required, for example, if Saugus had changed Student's placement for disciplinary reasons. As addressed in the expedited hearing, taking Student from his normal educational environment to go to the office for discipline constitutes a removal from his placement, but no change of placement occurs unless the removal was for more than 10 consecutive days or was part of a series of removals that constituted a pattern. (34 C.F.R. § 300.536(a)(1) and (2).) This Decision finds there were less than 10 removals and there was no pattern of removals. Since no change of placement occurred, Saugus was not required to provide prior written notice. Likewise, the imposition of discipline does not involve a proposal to initiate or change, or refusal to initiate or change, the identification, evaluation, or educational placement of the pupil, or the provision of a FAPE.

Student did not meet his burden of proving that Saugus was required to provide prior written notice prior to imposing discipline.

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ISSUE 2b: DID SAUGUS DENY STUDENT A FAPE BY FAILING TO ENSURE MEANINGFUL PARENTAL PARTICIPATION IN EDUCATIONAL DECISION MAKING AT THE DECEMBER 4, 2024 IEP TEAM MEETING?

Student asserts that Saugus failed to ensure meaningful parental participation in educational decisions at the December 4, 2024 IEP team meeting.

Saugus argues that Student was not eligible for special education services until February 25, 2025, so Student was not covered by IDEA procedural safeguards on December 4, 2024.

Student's complaint asserts only that Parent was denied meaningful parental participation under 34 Code of Federal Regulations section 300.322. That section requires schools to "take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate" by providing notice of the meeting and scheduling it at a mutually agreeable time and place. (34 C.F.R. § 300.322(a).) Those regulations apply to actions taken pursuant to the IDEA. OAH's jurisdiction is limited to matters under the IDEA. (*Wyner v. Manhattan Beach Unified Sch. Dist*. (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

At the prehearing conference, the ALJ asked Parent for the date of the meeting at which Saugus failed to ensure meaningful parental participation and was told the meeting was held on December 4, 2024. At hearing, it was established that the meeting held on December 4, 2024, was a Student Success Team meeting and not an IEP team meeting.

Student's briefing asserts that parental participation was denied because Parent was not informed of disciplinary incidents as they occurred, behavioral records were concealed, Student's IEP was developed without behavioral data, Student's placement was changed for disciplinary reasons without IEP team involvement, and the audio recording of the Student Success Team meeting was suppressed to obscure Parent's disability-related concerns.

The December 2024 Student Success Team meeting was not governed by the IDEA's statutes and regulations. OAH cannot order relief for actions taken at a meeting which was outside the jurisdiction of the IDEA. Even if relief were possible, however, it would not be appropriate. There is no requirement that parents of a child with special needs be informed of disciplinary incidents as they occur. Parent has not demonstrated any behavior incidents that were concealed, as Parent had full access to Student's behavioral records through the school's parent portal. Likewise, Parent has not presented evidence of behavioral data that should have been part of Student's IEP, Student's placement was not changed for disciplinary reasons, and there is no support for Parent's contention that the Student Success Team meeting was recorded. Parent presents no argument that Saugus denied meaningful parental participation at the February 25, 2025 IEP team meeting, which was the only meeting to which the IDEA's requirements apply.

Student has not proven that Saugus denied Student a FAPE by failing to ensure meaningful parental participation in the educational decision-making process at a December 4, 2024 IEP team meeting.

ISSUE 2c: DID SAUGUS DENY STUDENT A FAPE BY IMPOSING IMPROPER DISCIPLINARY PROCEDURES ON A STUDENT WITH DISABILITIES?

Student asserts that Saugus imposed disciplinary procedures on him that were improper because of his disability.

Saugus counters that Student was disciplined only once after being found eligible for services as a student with a disability, where the discipline consisted of a lunchtime visit to the principal's office to write an apology note. Saugus argues the discipline was not improper, in violation of any law, or developmentally inappropriate.

Student's brief does not address this claim. Parent testified at hearing that Student had communication difficulties and would misinterpret or not pick up on social cues. Parent expressed the opinion that Student's misbehavior with the Paraeducator was caused by those characteristics. In briefing, Student has objected only to being sent to the office during lunchtime and has not raised an issue with any other kind of discipline. In that context, Student's contention appears to be that being sent to the office to prepare an apology for rude behavior was an improper procedure to use for a child with communication and social issues.

At its heart, the contention is an assertion that a child with a disability cannot be corrected or redirected if the misbehavior may have a connection to the child's disabling condition. This misstates the law; the issue of a connection between a disabling condition and school discipline only arises once there has been a change of placement of sufficient duration or frequency to trigger the need for a manifestation determination to determine whether the misbehavior was caused the student's

disability. (20 U.S.C. § 1415(k)(C); 34 C.F.R. §§ 300.530(c) and 300.536(a)(1).) Lesser or less frequent removals and behavioral incidents are matters to be addressed by the IEP team. Otherwise, students with disabilities are subject to the same disciplinary procedures that are applied to children without disabilities. (20 U.S.C. §1415 (k)(1)(B).) It is not an improper imposition of discipline for a student to be directed to prepare an apology, even if it means missing a lunch period or two.

Student has not carried the burden of demonstrating that it was improper to impose discipline on a child with a disability or that the discipline imposed on him for rudeness to a paraeducator was improper.

ISSUE 3: DID SAUGUS DENY STUDENT A FAPE BY FAILING TO EDUCATE STUDENT IN THE LEAST RESTRICTIVE ENVIRONMENT BECAUSE IT FORCED HIM TO EAT LUNCH ALONE IN THE OFFICE?

Student argues that having him eat lunch alone in the office violated his right to be educated in the least restrictive environment because it unnecessarily segregated him from his peers without educational justification.

Saugus contends that Student was not removed from the general education environment from February 25, 2025, when he was found eligible for special education services, through the end of the 2024-2025 school year except for two brief periods on June 5 and 6, 2025.

Short-term disciplinary measures such as time-outs and in school suspensions do not constitute changes of placement for a child with a disability. (*Hayes through Hayes v. Unified Sch. Dist. No. 377* (10th Cir. 1989) 877 F.2d 809, 813, citing *Honig v. Doe*

(1988) 484 U.S. 305, 325 (both applying the precursor to the IDEA, the Education of the Handicapped Act, 84 Stat. 175, as amended, 20 U.S.C. § 1400 *et seq.*) A change of placement on disciplinary grounds is now defined in the IDEA's regulations as a removal for more than 10 consecutive days or in a series of more than 10 removals that constitute a pattern. (34 C.F.R. § 300.536(a).)

The February 25, 2025 IEP set Student's placement as general education with supports in academics and speech and language. Other than those pull-out services, Student was fully mainstreamed in general education. Student's placement was unchanged throughout the year. Student was sent to the Principal's office once on September 26, 2024, before he had an IEP eligibility or placement. Student was again sent to the Principal's office for disciplinary reasons on June 5 and 6, 2025, which briefly removed him from the classroom.

Student's placement was never changed from general education with supports, which the IEP team determined was his least restrictive environment. At no time did the IEP team or Saugus administration change his placement to require him to eat lunch alone in the office. Student was subjected to discipline for rude behavior towards his paraeducator and, as a result, visited the office during lunchtime on June 5, 2025, and brought his lunch to the office on June 6, 2025, to eat while he drafted an apology note to the Paraeducator.

Student contended that he was forced to eat lunch in the office as a disciplinary measure, but the facts established show that this happened one time and that he was out of the general education environment during lunch for disciplinary reasons twice

during the time that his placement was governed by an IEP. Those short-term disciplinary actions do not constitute a change of placement from the least restrictive environment or establish a denial of FAPE.

Student has failed to establish that he was not educated in the least restrictive environment because of disciplinary removals.

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 1a:

Saugus did not deny Student a FAPE in the 2024-2025 school year by systematically isolating him during lunch period which denied him access to the least restrictive environment.

Saugus prevailed on Issue 1a.

ISSUE 1b:

Saugus did not deny Student a FAPE in the 2024-2025 school year by systematically isolating him during lunch period which removed him from typical peer interactions essential for social development.

Saugus prevailed on Issue 1b.

ISSUE 1c:

Saugus did not deny Student a FAPE in the 2024-2025 school year by systematically isolating him during lunch period which was a disciplinary measure inappropriate for a student with autism.

Saugus prevailed on Issue 1c.

ISSUE 1d:

Saugus did not deny Student a FAPE in the 2024-2025 school year by systematically isolating him during lunch period which failed to address the underlying communication-related deficits.

Saugus prevailed on Issue 1d.

ISSUE 2a:

Saugus did not deny Student a FAPE by failing to provide prior written notice of disciplinary actions.

Saugus prevailed on Issue 2a.

ISSUE 2b:

Saugus did not deny Student a FAPE by failing to ensure meaningful parental participation in educational decision making at the December 4, 2024 IEP team meeting.

Saugus prevailed on Issue 2b.

ISSUE 2c:

Saugus did not deny Student a FAPE by imposing improper disciplinary procedures on a student with disabilities.

Saugus prevailed on Issue 2c.

ISSUE 3:

Saugus did not deny Student a FAPE by failing to educate Student in the least restrictive environment because it forced him to eat lunch alone in the office.

Saugus prevailed on Issue 3.

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.

Chris Butchko
Administrative Law Judge
Office of Administrative Hearings