

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

PARENTS ON BEHALF OF STUDENT,

v.

PALO ALTO UNIFIED SCHOOL DISTRICT.

CASE NO. 2025070906

DECISION

JANUARY 22, 2026

On July 24, 2025, Parents on behalf of Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Palo Alto Unified School District, called Palo Alto. On August 29, 2025, OAH granted Student's request for a continuance. Administrative Law Judge Paul H. Kamoroff heard this matter by videoconference on December 2, 3, 4, 9, and 10, 2025.

Attorney Nicole Hodge Amey represented Student. Parent attended all hearing days on behalf of Student. Attorney Nicole N. R. Mirkazemi represented Palo Alto. Palo Alto's Director of Special Education Teri Lee attended all hearing days on behalf of Palo Alto.

At the parties' request, OAH continued the matter to January 9, 2026, for written closing briefs. The record was closed, and the matter was submitted on January 9, 2026.

ISSUES

The issues have been re-numbered for clarity.

1. Did Palo Alto deny Student a free appropriate public education, called FAPE, in the May 30, 2025 individualized education program, called IEP, by predetermining Student's educational program and thereby significantly impeding Parents' opportunity to participate in the decisionmaking process regarding the provision of a FAPE to Student?
2. Did Palo Alto deny Student a FAPE in the May 30, 2025 IEP, by failing to offer an appropriate post-secondary transition plan?
3. Did Palo Alto deny Student a FAPE in the May 30, 2025 IEP, by failing to offer:
 - a. any goals to address Student's unique needs;
 - b. any services that were different from the prior August 2023 IEP, as amended in May 2024 and December 2024; or
 - c. an appropriate placement?

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JURISDICTION

This hearing was held under the Individuals with Disabilities Education Act, called IDEA, its regulations, and California statutes and regulations. (20 U.S.C. § 1400 et seq.; 34 C.F.R. § 300.1 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).) As the petitioning party, Student had the burden of proof for each issue in this matter. 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 15 years old and in tenth grade at the time of the hearing. Student resided with Parents within Palo Alto's geographic boundaries during all relevant times. Student was eligible for special education under the category of autism and secondary category of other health impairment due to attention-deficit/hyperactivity disorder and generalized anxiety disorder.

ISSUE 1: PREDETERMINATION OF THE MAY 30, 2025 IEP

Student complains Palo Alto denied Student a FAPE in the May 30, 2025 IEP, by predetermining Student's educational program and thereby significantly impeding Parents' opportunity to participate in the decisionmaking process regarding the provision of a FAPE to Student. Student asserts the placement and services offered in the IEP were identical to prior IEPs which were deemed inadequate by OAH, and formulated without input from Parents.

Palo Alto argues it was not obligated to offer Student a FAPE as part of the May 30, 2025 IEP, because Student was privately placed and Parents did not specifically request an annual IEP team meeting.

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.)

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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 Sch. Dist. v. Rowley* (1982) 458 U.S. 176, 201-204 (*Rowley*); *Andrew F. v. Douglas County Sch. Dist. RE-1* (2017) 580 U.S. 386, 402 [137 S.Ct. 988, 1000].)

Each local educational agency must have an IEP in effect for each individual with exceptional needs within its jurisdiction at the beginning of each school year. (Ed. Code, § 56344, subd. (c); 20 U.S.C. § 1414(d)(2)(A); 34 C.F.R. § 300.323(a).) The IEP must be reasonably calculated to provide the student a FAPE based on the information available to the school district. (*Adams v. State of Oregon* (9th Cir. 1999) 195 F.3d 1141, 1149, citing *Fuhrman v. East Hanover Board of Education* (3rd Cir. 1993) 993 F.2d 1031, 1041.)

Generally, the school district where the parents reside with the child is responsible for offering the child a FAPE. (20 U.S.C. § 1413(a)(1); Ed. Code, § 48200; *Union Sch. Dist. v. Smith* (9th Cir. 1994) 15 F.3d 1519, 1525.) However, a student's district of residence is not obligated to offer a FAPE if the parent has placed the student in a private school and made clear his or her intent to keep the child enrolled in the private school. (*J.B. v. Kyrene Elementary Sch. Dist. No. 28* (9th Cir. 2024) 112 F.4th 1156, 1164 (*Kyrene*) [citing Office of Special Education Programs (OSEP) *Letter to Wayne*, January 29, 2019]; see also, *Capistrano Unified Sch. Dist. v. S.W.* (9th Cir. 2021) 21 F.4th 1125, 1138, cert. denied at 143 S.Ct. 98 (*Capistrano Unified Sch. Dist.*) [if a student has been enrolled in a private school by their parents, then the district need not prepare an IEP unless parents ask for one].)

Children with disabilities enrolled by their parents in private schools are referred to as private school children with disabilities. (34 C.F.R. § 300.130; Ed. Code, § 56170.) Generally, private school children with disabilities are not entitled to a FAPE offer from their public school district of residence (*Kyrene, supra*, 112 F.4th at p.1164), or any amount of the services the child would receive if enrolled in a public school. (34 C.F.R. § 300.137(a); Ed. Code, § 56174.5, subd. (a).)

However, parents of a privately placed child may ask for a new IEP at any time, which triggers the requirement of the school district to offer Student a FAPE. (*Capistrano Unified Sch. Dist., supra*, 21 F.4th 1125, 1138.)

A district engages in predetermination when it offers a placement without parental involvement in developing the IEP. (34 C.F.R. §§ 300.327, 300.501(c)(1); *Deal v. Hamilton County Bd. of Educ.* (6th Cir. 2004) 392 F.3d 840, 858 (*Deal*).

A school district is required to conduct not just an IEP team meeting, but a meaningful IEP team meeting. (*W.G. v. Board of Trustees of Target Range Sch. Dist. No. 23 Missoula, Mont.* (9th Cir. 1992) 960 F.2d 1479, 1485 (*Target Range*), superseded in part by statute on other grounds.) "Participation must be more than mere form; it must be meaningful." (*Deal, supra*, 392 F.3d 840, at p. 858.) A school district cannot independently develop an IEP, without meaningful participation, and then present the IEP to the parent for ratification. (*Target Range, supra*, 960 F.2d at p. 1484.) A school district that predetermines the child's program, and does not consider parents' requests with an open mind, has denied the parents' right to participate in the IEP process. (*Deal, supra*, 392 F.3d at p. 858.)

For IEP team meetings, predetermination occurs when an educational agency has decided on its offer prior to the meeting and is unwilling to consider other alternatives. (*Deal, supra*, 392 F.3d at p. 857-858; *H.B. v. Las Virgenes Unified Sch. Dist.* (9th Cir. 2007) 239 Fed. Appx. 342, 344-345 [nonpub. opn.].) A district may not arrive at an IEP team meeting with a “take it or leave it” offer. (*JG v. Douglas County Sch. Dist.* (9th Cir. 2008) 552 F.3d 786, 801, fn.10.) Although school district personnel may bring a draft of the IEP to the meeting, the parents are entitled to bring to an IEP team meeting their questions, concerns, and recommendations as part of a full discussion of a child’s needs and the services to be provided to meet those needs before the IEP is finalized. (*Assistance to States for the Education of Children Disabilities* (64 Fed. Reg. 12478-12479, March 12, 1999).) School officials may permissibly form opinions prior to IEP meetings. However, if the district goes beyond forming opinions and becomes “impermissibly and deeply wedded to a single course of action,” this amounts to predetermination. (*P.C. v. Milford Exempted Village Schools* (S.D. Ohio, January 17, 2013, No. 1:11-CV-398) 2013 WL 209478, *7.)

Student was diagnosed with autism at age two and later diagnosed with attention-deficit/hyperactivity disorder and generalized anxiety disorder. He attended public school in Sacramento, California, where he received special education services pursuant to an IEP through the 2021–2022 school year. Although Student demonstrated above-average intelligence, he struggled with reading, listening comprehension, and written expression. He also experienced significant depression, anxiety, and emotional dysregulation, which manifested in behaviors such as vocal outbursts, throwing objects, leaving the classroom without permission, and refusing to follow adult directives.

In August 2022, Parents relocated and unilaterally enrolled Student at Hope Technology Academy, called Hope, a small private school in Palo Alto, California. Hope served approximately 150 students in kindergarten through 12th grade, and offered in-person instruction in small classes of approximately eight students. Hope was accredited by the Western Association of Schools and Colleges, allowing students to earn transferable academic credits accepted by public schools and colleges.

On March 20, 2023, Parents requested that Palo Alto convene an IEP team meeting to develop an IEP for the 2023–2024 school year. Although Student was privately placed, Parents' request obligated Palo Alto to offer Student a FAPE through an IEP. (*Capistrano Unified Sch. Dist., supra*, 21 F.4th 1125, 1138.)

Palo Alto held an annual IEP team meeting on August 24, 2023, and later convened amendment IEP meetings on May 14, 2024, and December 9, 2024. Parents disagreed with the IEP offers and filed a due process complaint on March 20, 2025, in OAH Case No. 2025030845. Following a 10-day hearing in May 2025, OAH issued a decision on July 11, 2025, finding that Palo Alto denied Student a FAPE by:

- failing to conduct appropriate psychoeducational, speech-language, and occupational therapy assessments;
- predetermining its August 10, 2023 interim placement by offering placement in an academic communications class;
- predetermining placement in the August 24, 2023 IEP by offering placement in an academic communications class;
- failing to provide assessment protocols;

- imposing unreasonable criteria for independent educational evaluations;
- failing to conduct an appropriate post-secondary transition assessment;
- failing to offer an appropriate transition plan; and
- predetermining placement in the December 9, 2024 amendment IEP, by again offering placement in an academic communications class.

By email dated May 1, 2025, Parents requested that Palo Alto convene an IEP team meeting before the end of the school year. Although Student remained privately placed at Hope, Parents' request obligated Palo Alto to hold an IEP team meeting and offer a FAPE for the 2025–2026 school year. Palo Alto convened an IEP team meeting on May 30, 2025; however, it made no meaningful effort to offer Student a FAPE.

Parents attended the May 30, 2025 IEP team meeting along with

- Assistant Principal Kathryn Catalano,
- General Education Teacher Jordan Wells,
- Special Education Teacher Briana Gonzales,
- Mental Health Therapist Kelly Rupe,
- Secondary Special Education Coordinator Simone Worsham,
- Speech-Language Pathologist Sophia Lo, and
- Student's advocate, Maria Fajardo.

At the outset of the meeting, Parents requested a discussion of appropriate placement options for the 2025–2026 school year, including consideration of a nonpublic school placement. Palo Alto refused to discuss placement during the meeting and had already decided to offer placement at the public high school — identical to the placements offered in the May 14, 2024, and December 9, 2024 amendment IEPs, that OAH later found to be predetermined. Palo Alto did not consider the continuum of placement options, parental input, or any current information regarding Student during the IEP team meeting.

Despite knowing that Student attended Hope during the 2024–2025 school year, Palo Alto did not request records from Hope or Parents, conduct assessments, or observe Student to obtain updated information regarding his present levels of performance. Palo Alto also failed to solicit or consider input from Parents or other IEP team members during the meeting.

Although qualified professionals like Mental Health Therapist Rupe, Speech-Language Pathologist Lo, and General Education Teacher Wells attended the IEP team meeting, they did not participate in the development of the FAPE offer. Rather, Palo Alto witnesses, including Lo, Wells, and Rupe and Palo Alto’s Director of Special Education Lee, admitted during testimony that the IEP team did not discuss Student’s present levels, goals, placement options, or related services during the brief 37-minute meeting.

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Palo Alto personnel were unfamiliar with Student and made no effort to understand his unique needs. Palo Alto intentionally predetermined the May 2025 IEP by offering the same placement and services included in Student's prior IEPs dated August 24, 2023, May 14, 2024, and December 9, 2024, without seeking or considering any new information.

The May 30, 2025 IEP again offered placement at Gunn High School, a large comprehensive campus, and specialized academic instruction in an academic communications class — which OAH had already found inappropriate. The related services offered, including daily specialized academic instruction, weekly group speech-language therapy, and weekly individual counseling, were identical in frequency, duration, and modality to those previously offered. The only change was the service dates, which were updated to reflect a new annual period from May 31, 2025, through May 30, 2026; thereby evidencing Palo Alto understood the May 30, 2025 IEP was an annual offer of FAPE for Student.

The May 2025 IEP did not include academic, speech-language, or counseling goals. Aside from two post-secondary transition goals, the IEP provided no information regarding the objectives Student would work toward through his services.

Palo Alto's Director of Special Education Lee testified that the failure to consider Student's present levels or develop new goals was intentional and based on her mistaken belief that Palo Alto was not required to offer a FAPE unless Parents specifically requested an "annual" IEP. That belief had no legal or factual basis. A parent of a privately placed

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student may request an IEP at any time, which triggers the district's obligation to offer a FAPE; there is no requirement that the request be labeled as an annual IEP. (*Capistrano Unified Sch. Dist., supra*, 21 F.4th 1125, 1138.)

Parents made clear both before and during the May 30, 2025 IEP team meeting that they were seeking an appropriate placement offer for the 2025–2026 school year, preferably at a nonpublic school. Although Palo Alto was not required to offer Parents' preferred placement, it was required to consider parental input and develop an IEP based on Student's current needs. Palo Alto failed to do so. Instead, it presented a predetermined, take-it-or-leave-it IEP, that did not reflect Student's present levels of performance or meaningful parental participation.

Student showed by a preponderance of the evidence that Palo Alto denied Student a FAPE in the May 30, 2025 IEP, by predetermining Student's educational program and thereby significantly impeding Parents' opportunity to participate in the decisionmaking process regarding the provision of a FAPE to Student.

ISSUE 2: THE POST-SECONDARY TRANSITION PLAN

Student alleges Palo Alto denied Student a FAPE in the May 30, 2025 IEP, by failing to offer an appropriate post-secondary transition plan. Palo Alto responds it was not required to offer Student a FAPE and, in the alternative, the post-secondary transition plan was appropriate.

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Beginning with the first individualized education program to be in effect when a pupil is 16 years of age, or younger if determined appropriate by the IEP team, the pupil's district must include in each IEP:

- Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
- The transition services, as defined in Education Code section 56345.1, including courses of study, needed to assist the pupil in reaching those goals.

(20 U.S.C. § 1414(d)(1)(A)(i)(VIII)(aa) and (bb); Ed. Code, § 56345, subd. (a)(8)(A) & (B).)

The law requires only that post-secondary goals be based upon age-appropriate transition assessments. It does not require that a formal transition assessment must be performed, or that standardized measures be used. Thus, relevant information may be obtained from a variety of sources, including record review, interviews, assessment materials, or testing instruments, each of which may individually constitute an assessment.

Transition services are a coordinated set of activities designed within a results-oriented process, focused on improving the academic and functional achievement of the individual to facilitate movement from school to post-school activities, including post-secondary education, vocational education, and integrated employment, including

- supported employment,
- continuing and adult education,
- adult services,

- independent living, or
- community participation.

Transition services are to be based upon individual needs, taking into account individual strengths, preferences, and interests. Transition services include

- instruction,
- related services,
- community experiences,
- development of employment and other post-school adult living objectives, and, if appropriate,
- acquisition of daily living skills and provision of a functional vocational evaluation.

Transition services may be special education if provided as specially designed instruction, or may be related services. (20 U.S.C. § 1401(34); 34 C.F.R. § 300.43; Ed. Code, § 56345.1.)

The IDEA requires IEPs for older students to include a plan for a coordinated set of services designed to move special education students successfully from high school to post-high school settings. Transition plans help students gain skills they will need when they graduate from high school or age out of special education when they turn 22 years old. Transition services emphasize the acquisition of functional skills and hands-on knowledge, enabling students to enter the workforce or continue their education or training. Such services also prepare students to eventually live as autonomously as possible, given the extent of their disabilities.

The adequacy of a transition plan and services must be viewed as an aggregate in light of the child's overall needs. The test is whether the IEP, taken in its entirety, is reasonably calculated to enable the child to garner educational benefit. (*Lessard v. Wilton-Lyndeborough Cooperative School Dist.* (1st Cir. 2008) 518 F.3d 18, 30.)

The May 30, 2025 IEP included a post-secondary transition plan consisting of two post-secondary goals. The first goal required Student, upon completion of school, to enroll in a training program for college courses in animation, digital media, or a related field. The second goal required Student, upon completion of school, to obtain employment in animation, video content creation, or veterinary services. To support these goals, the IEP required Student to schedule an appointment with the school's College and Career Specialist.

The transition goals and services were based solely on a transition inventory administered by Palo Alto Program Specialist Christina Dias during a single session on September 13, 2024. The inventory assessed six general interest areas—Realistic, Investigative, Artistic, Social, Enterprising, and Conventional—referred to as the transition inventory.

Based on this inventory, Palo Alto previously offered a transition plan in the December 9, 2024 amendment IEP. In its July 11, 2025 Decision, OAH expressly found the RIASEC inventory insufficient to constitute an appropriate transition assessment. OAH concluded that Palo Alto failed to conduct an adequate transition assessment or develop an appropriate transition plan because the inventory did not evaluate Student's training needs, educational needs, or independent living skills.

Despite that finding, the May 30, 2025 IEP team relied on the same September 13, 2024 transition inventory and failed to obtain any additional or updated information regarding Student's post-secondary transition needs. As a result, the transition plan offered in the May 30, 2025 IEP was likewise inadequate to address Student's unique needs.

Student presented expert testimony from Bruce Bloom, a vocational expert and transition evaluator in private practice. Bloom provides transition services focused on integration into competitive employment and regularly testifies as a vocational expert in medical malpractice cases, personal injury matters, Social Security disability hearings, and OAH hearings. His opinions regarding Student's transition needs were thorough, well-reasoned, and supported by his professional experience.

Bloom testified that the transition inventory was inadequate for developing a meaningful transition plan. He explained that the inventory failed to identify Student's vocational strengths and interests and did not account for Student's need for constant verbal and visual redirection. Bloom further testified that Palo Alto misinterpreted the inventory results. For example, the transition plan emphasized animation as a potential career path, even though Student scored extremely low in that area—two out of 12—indicating it was a non-preferred vocational option.

Bloom credibly opined that Student required comprehensive career exploration, evaluation of basic work skills, and assessment of independent living skills, none of which were addressed in Palo Alto's transition plan. Palo Alto offered no evidence to rebut Bloom's testimony, and significant weight was given to his expert opinions.

Student showed by a preponderance of the evidence that Palo Alto denied Student a FAPE, in the May 30, 2025 IEP, by failing to offer an appropriate post-secondary transition plan.

ISSUE 3(a), (b), AND (c): THE MAY 30, 2025 IEP

Student complains Palo Alto denied him a FAPE in the May 30, 2025 IEP, by failing to offer any goals to address Student's unique needs; any services that were different from the prior August 2023 IEP, as amended in May 2024 and December 2024; or an appropriate placement. Palo Alto responds it was not obligated to offer Student a FAPE as part of the May 30, 2025 IEP because Student was privately placed.

An IEP is a written statement for each child with a disability that is developed, reviewed, and revised based upon state law and the IDEA. (20 U.S.C. §§ 1401(14), 1414(d)(1); 34 C.F.R. § 300.320; Ed. Code, § 56032.) The IEP must include a statement of the child's present levels of academic achievement and functional performance. (20 U.S.C. § 1414(d)(1)(A); 34 C.F.R. § 300.320 (a)(1); Ed. Code, § 56345 subd. (a)(1).) An IEP must contain a statement of the special education and related services and supplementary aids and services to be provided to the pupil, or on behalf of the pupil, and a statement of the program modifications or supports for school personnel that will be provided to enable the student to advance appropriately toward attaining the annual goals and to be involved in and make progress in the regular education curriculum and participate in nonacademic activities, and to be educated and participate with other individuals with exceptional needs and nondisabled pupils. (20 U.S.C. § 1414(d)(1)(A)(i)(IV); Ed. Code, § 56345, subd. (a)(4).)

In developing the IEP, the IEP team shall consider

- the strengths of the child,
- the concerns of the parents for enhancing the education of their child,
- the results of the initial evaluation or most recent evaluation of the child, and
- the academic, functional, and developmental needs of the child.

(20 U.S.C. § 1414(d)(3)(A).)

For each area in which a special education student has an identified need, the IEP team must develop annual goals that are based upon the child's present levels of academic achievement and functional performance. (Ed. Code, § 56345, subd. (a)(2).)

As found in Issue 1, Palo Alto was obligated to offer Student a FAPE through the May 30, 2025 IEP because Parents requested an IEP. Palo Alto predetermined the contents of the May 30, 2025 IEP, thereby denying Parents the opportunity to meaningfully participate in the development of Student's educational program and denied Student a FAPE on that basis. As a result, the May 30, 2025 IEP was legally inadequate.

The IEP offered no goals other than two post-secondary transition goals, and its placement and services were identical to those offered in Student's August 2023 IEP, as amended in May 2024 and December 2024. Those prior IEPs were found inappropriate

and unlawful in OAH's July 2025 decision and are likewise deemed predetermined here. Accordingly, no further analysis of the IEP's substantive appropriateness is required. (*Rowley, supra*, 458 U.S. at pp. 206-207.)

Moreover, Palo Alto was informed by OAH's July 11, 2025 Decision in Case Number 2025030845 that the psychoeducational, speech-language, occupational therapy, and post-secondary transition assessments on which it relied in developing its prior IEPs were inappropriate. Nevertheless, Palo Alto took no steps to reassess Student or otherwise obtain updated, critical data regarding his unique needs following the Decision. The same OAH Decision also informed Palo Alto that the May 14, 2024, and December 9, 2024 amendment IEPs, were unlawful and denied Student a FAPE due to predetermined placement.

During testimony, Palo Alto's witnesses, including Special Education Director Lee, admitted that the May 2025 IEP was intentionally identical to Student's prior IEPs and that no consideration was given to Student's present needs, placement, goals, or services during the May 30, 2025 IEP team meeting.

After receiving the July 2025 OAH decision, Lee further admitted that Palo Alto made no effort to reconvene the IEP team or revise the May 2025 IEP, despite knowing that the IEPs on which it was based had been found inappropriate. Instead, Palo Alto allowed its knowingly unlawful IEP to remain in effect as the sole offer of FAPE for Student.

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Student showed by a preponderance of the evidence that Palo Alto denied him a FAPE in the May 30, 2025 IEP, by failing to offer any goals to address Student's unique needs; any services that were different from the prior August 2023 IEP, as amended in May 2024 and December 2024; or an appropriate placement.

CONCLUSIONS AND PREVAILING PARTY

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

ISSUE 1:

Palo Alto denied Student a FAPE in the May 30, 2025 IEP, by predetermining Student's educational program and thereby significantly impeding Parents' opportunity to participate in the decisionmaking process regarding the provision of a FAPE to Student.

Student prevailed on Issue 1.

ISSUE 2:

Palo Alto denied Student a FAPE, in the May 30, 2025 IEP, by failing to offer an appropriate post-secondary transition plan.

Student prevailed on Issue 2.

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ISSUE 3(a):

Palo Alto denied Student a FAPE in the May 30, 2025 IEP, by failing to offer any goals to address Student's unique needs.

Student prevailed on Issue 3(a).

ISSUE 3(b):

Palo Alto denied Student a FAPE in the May 30, 2025 IEP, by failing to offer any services that were different from the prior August 2023 IEP, as amended in May 2024 and December 2024.

Student prevailed on Issue 3(b).

ISSUE 3(c):

Palo Alto denied Student a FAPE in the May 30, 2025 IEP by failing to offer an appropriate placement.

Student prevailed on Issue 3(c).

REMEDIES

Under federal and state law, courts have broad equitable powers to remedy the failure of a school district to provide FAPE to a disabled child. (20 U.S.C. § 1415(i)(1)(C)(iii); Ed. Code, § 56505, subd. (g); see *School Committee of the Town of Burlington, Massachusetts v. Dept. of Education* (1985) 471 U.S. 359, 369 [105 S.Ct. 1996, 85 L.Ed.2d 385].) This broad equitable authority extends to an Administrative Law

Judge who hears and decides a special education administrative due process matter. (*Forest Grove Sch. Dist. v. T.A.* (2009) 557 U.S. 230, 244, fn. 11 [129 S.Ct. 2484, 174 L.Ed.2d 168].)

Parents may be entitled to reimbursement for the costs of placement or services they have procured for their child when the school district failed to provide a FAPE, and the private placement or services were proper under the IDEA and replaced services that the district failed to provide. (20 U.S.C. § 1412(a)(10)(C); *School Comm. of Burlington v. Dept. of Educ.* (1985) 471 U.S. 359, 369-371 [85 L.Ed.2d 385].)

Here, Palo Alto denied Student a FAPE by predetermining Student's educational program, thereby failing to offer Student appropriate goals, services, and placement, for the 2025-2026 school year. Palo Alto also denied Student a FAPE by failing to offer an appropriate post-secondary transition plan. Palo Alto's conduct significantly impeded Parents' opportunity to participate in the decisionmaking process regarding the provision of a FAPE to Student and denied him educational benefits. Student is therefore entitled to a remedy.

Student requested reimbursement for placement at Hope for the 2025-2026 regular school year and a transition plan by vocational expert Bruce Bloom. Palo Alto shall reimburse Parents for that tuition, along with reimbursement for transporting Student to and from Hope during that time. Palo Alto shall also fund a post-secondary transition assessment and post-secondary transition plan by Bloom.

In certain cases, appropriate relief in light of the purposes of the IDEA may include an award that school staff be trained concerning areas in which violations were found, to benefit the specific pupil involved, or to remedy violations that may benefit

other pupils. (*Park v. Anaheim Union High Sch. Dist.* (9th Cir. 2006) 464 F.3d 1025, 1034 [student, who was denied a FAPE due to failure to properly implement his IEP, could most benefit by having his teacher appropriately trained to do so].)

Here, Palo Alto witnesses, including its Director of Special Education Lee, admitted to knowing and persistent violations that denied Student a FAPE. Palo Alto's mistaken belief that it was not required to offer Student a FAPE in the May 30, 2025 IEP because Parents did not specifically request an annual IEP was unreasonable and a flagrant violation of the IDEA and California education laws.

Moreover, Lee admitted that Palo Alto took no steps following the July 11, 2025 OAH Decision to revise the May 2025 IEP. Instead, Palo Alto permitted a knowingly unlawful IEP offer to remain the only offer of FAPE for Student. In light of the July 11, 2025 OAH Decision, Palo Alto's conduct is willful and reoccurring, thereby requiring significant special education law training.

As part of the July 2025 Decision, OAH ordered two hours of training for its special education department. Palo Alto requires significantly more training to comply with the IDEA and California education laws. Therefore, Palo Alto shall provide 20 hours of training to its special education department including its director, program specialists, case managers, special education teachers, related service providers, and school psychologists, on the legal requirements for developing an appropriate IEP. This training shall be provided by an attorney or law firm knowledgeable about special education law who has not previously worked for Palo Alto.

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ORDER

1. Palo Alto shall reimburse Parents for tuition costs for Student's attendance at Hope Technology Academy during the 2025–2026 regular school year within 45 days of receiving applicable invoices from Parents or Parents' counsel.
2. By July 1, 2026, Palo Alto shall reimburse Parents for transportation costs incurred during the 2025–2026 regular school year for Student's attendance at Hope Technology Academy. Reimbursement shall cover two round trips per day for each day Student attended the school during the 2025–2026 regular school year, calculated at the transportation reimbursement rate currently prescribed by the Internal Revenue Service.
3. Within 30 days of this Decision, Palo Alto shall fund a post-secondary transition assessment and post-secondary transition plan by Bruce Bloom or a Parent selected assessor if Bloom is not available.
4. Within 60 days of this Decision, Palo Alto shall retain an attorney or law firm specializing in special education law, and with no prior professional relationship with Palo Alto, to provide 20 hours of training to Palo Alto's special education department. The training shall include the department's director, program specialists, case managers, special education teachers, related service providers, and school psychologists, and shall address the legal requirements for

developing an appropriate IEP. The training shall be completed no later than October 31, 2026. Within 10 days of completing the training, Palo Alto shall provide written notice of completion to Parents and Parents' counsel.

5. All other claims 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.

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings