BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

PARENT ON BEHALF OF STUDENT,

v.

GLENDALE UNIFIED SCHOOL DISTRICT.

CASE NO. 2025120710

EXPEDITED DECISION

FEBRUARY 18, 2026

On December 17, 2025, the Office of Administrative Hearings, called OAH, received a due process hearing request from Student, naming Glendale Unified School District. The complaint contained expedited and non-expedited hearing claims. OAH set the expedited and non-expedited matters for separate hearings.

On December 23, 2025, OAH issued an Order determining the non-expedited issues in the due process complaint insufficient, vacated the non-expedited hearing dates, and granted Student leave to amend. Student did not timely file an amended complaint. The expedited claims proceeded to hearing with no continuances. This Decision addresses only the expedited claims.

Administrative Law Judge Daniel Senter heard this matter by videoconference on January 21, 22, 26, 27, 28, 29, and 30, 2026, and February 2, 3, and 4, 2026. The Administrative Law Judge is called ALJ.

Parent represented Student. Student's father, attended all hearing days on Student's behalf, except February 3, and 4, 2026. Student attended all hearing days, except parts of February 2, and 3, 2026. Attorney Tamra Kaufman represented Glendale. William Gifford, Glendale's special education coordinator, attended all hearing days on Glendale's behalf.

On February 4, 2026, the last day of hearing, the record was closed, and the matter was submitted for decision. The parties were permitted to file written closing arguments by February 6, 2026, at 4:00 p.m., but the hearing timeline was not continued.

Student's closing argument was captioned as a motion for immediate orders and relief, but is interpreted as Student's closing brief, as the first sentence identifies it as a "closing brief." On February 9, 2026, Student filed an objection to Glendale's late filing of its closing brief. Because OAH received Glendale's closing brief at 3:58 p.m. on February 6, 2026, it was timely, and Student's objection and request to strike it is denied. Student's and Glendale's written closing arguments are deemed timely filed and were considered.

EXPEDITED ISSUE

1. Did Glendale fail to hold a manifestation determination review meeting for disciplinary removals occurring during the 2025-2026 school year?

JURISDICTION

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

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

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

A parent of a child with a disability may appeal any decision regarding a student's placement under 34 Code of Federal Regulations, parts 300.530 and 300.531, including a decision not to hold a manifestation determination review under part 300.530(e), by requesting an expedited due process hearing. (20 U.S.C. § 1415(k)(3)(A); 34 C.F.R. 300.532(a) & (c).) The hearing must be conducted within 20 school days of the date an expedited due process hearing request is filed and a decision must be rendered within 10 school days after the hearing ends. (20 U.S.C. § 1415(k)(4)(B); 34 C.F.R. 300.532(c)(2).) The rules for a due process hearing under title 20 United States Code section 1415(k), must be consistent with those for other IDEA hearings. (34 C.F.R. § 300.532(c)(1)(a) (2006).)

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

Student was six years old and in first grade at the time of the hearing. Student attended school in Glendale through approximately November 13, 2025, and was enrolled in Glendale through approximately November 17, 2025. Subsequently, there was an issue about residency. Parent disputes disenrollment from Glendale. No findings are made in this Decision about Student's residency or disenrollment. Student had not been found eligible for special education, though Glendale offered Parent two assessment plans to assess Student for special education eligibility.

EXPEDITED ISSUE 1: DID GLENDALE FAIL TO HOLD A MANIFESTATION DETERMINATION REVIEW MEETING FOR DISCIPLINARY REMOVALS OCCURRING DURING THE 2025-2026 SCHOOL YEAR?

Student contends Glendale failed to a hold a manifestation determination review meeting because Student experienced a pattern of disciplinary removals exceeding 10 school days during the 2025-2026 school year and Glendale was aware of Student's disabilities. Student generally asserts that frequently being out of class in connection with his behavior, as well as experiencing teacher changes, a school change, and disenrollment, constituted disciplinary removals that warranted a manifestation determination review.

Glendale counters it was not required to convene a manifestation determination review meeting because Student only had one disciplinary removal during the 2025-2026 school year and Student was not eligible for special education. Glendale further contends it did not have knowledge of Student's disabilities because Parent refused to allow Glendale to assess Student for special education eligibility. Glendale asserts that Student's teacher changes, school change, and disenrollment were the result of Parent's preference and lack of residency, not school discipline.

If a student with a disability violates a code of student conduct, "school personnel" may remove the student from their educational placement without providing services for a period not to exceed 10 days per school year, to the extent such alternatives are applied to children without disabilities. (20 U.S.C. § 1415(k)(1)(B); 34 C.F.R. § 300.530(b)(1) & (d)(3); Ed. Code, § 48915.5.) Discipline of a student with a disability may result in a change to the child's placement and entitle the student to procedural protections under

the IDEA. (See 34 C.F.R. §§ 300.530, 300.536.) Those protections include, in certain circumstances, the right to a determination of whether the student's misconduct that led to a disciplinary change of placement was caused by or directly related to the student's disability. (20 U.S.C. § 1415 (k)(1)(E)(i); 34 C.F.R. § 300.530.)

A disciplinary change of placement occurs for a child with a disability if: (1) the disciplinary removal is for more than 10 consecutive days; or (2) there have been a series of disciplinary removals that constitutes a pattern. (34 C.F.R. § 300.536(a).) To constitute a pattern:

i. the series of removals must total more than 10 school days in a school year;

ii. the child's behavior must be substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and

iii. additional factors must be considered, such as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another. (Ibid.)

Within 10 school days of a disciplinary change in placement, a school district must perform a manifestation determination review to determine whether the student's behavior was a manifestation of the student's disability. (34 C.F.R. § 300.536(a); 20 U.S.C. § 1415(k)(1)(E); 34 C.F.R. § 300.530(e).)

(This space is intentionally left blank. Text continues on the following page.)

Though not binding authority, the U.S. Department of Education has provided guidance that school districts must consider both formal school discipline removals, such as suspensions, and informal school discipline removals, which it defines as:

> Informal removal, although not defined in IDEA and its implementing regulations, means action taken by school personnel in response to a child's behavior that excludes the child for part or all of the school day, or even an indefinite period of time. These exclusions are considered informal because the school removes the child with a disability from class or school without invoking IDEA's disciplinary procedures.
>
> Informal removals are subject to IDEA's requirements to the same extent as disciplinary removals by school personnel using the school's disciplinary procedures. Informal removals include administratively shortened school days when a child's school day is reduced by school personnel, outside of the IEP Team and placement process, in response to the child's behavior.

(U.S. Dept. of Education, Off. of Special Education and Rehabilitative Services, Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions (July 19, 2022), 122 LRP 24161, Question C-6, p. 26 [Discipline Q&A]). The U.S. Department of Education cautioned that the repeated use of informal removals to address behavior "could constitute a disciplinary removal from the current placement" and make the IDEA's disciplinary procedures applicable. (*Id.* at Question C-6.)

For a student who has not yet been determined eligible for special education, the right to a manifestation determination applies only if school personnel removed the student because of behavior that violated the code of conduct of the local educational

agency and the local educational agency had a basis of knowledge that the student had a disability before the behavior prompting the disciplinary action occurred. (20 U.S.C. § 1415(k)(5).) The local educational agency had a basis of knowledge that a student was a student with a disability before the behavior occurred if:

- The parent of the child has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;
- The parent of the child has requested an evaluation of the child pursuant to 20 U.S.C. § 1414(a)(1)(B); or
- The teacher of the child, or other personnel of the local educational agency, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education of such agency or to other supervisory personnel of the agency.

(20 U.S.C. § 1415(k)(5)(B); 34 C.F.R. § 300.534(b).)

(This space is intentionally left blank. Text continues on the following page.)

However, there are statutory exceptions. The local educational agency shall not be deemed to have knowledge that the child is a child with a disability if:

- The parent of the child has not allowed an evaluation of the child pursuant to 20 U.S.C. § 1414(a)(1)(D);
- The parent of the child has refused special education and related services; or
- The child has been evaluated and it was determined that the child was not a child with a disability under the IDEA.

(20 U.S.C. § 1415(k)(5)(C); 34 C.F.R. § 300.534(c).)

Glendale urges OAH to determine that based on Parent's revocation of consent to a special education assessment plan dated April 30, 2025, and Parent's alleged failure to sign and return another assessment plan dated October 10, 2025, Glendale did not have a "basis of knowledge" that Student was a child with a disability. It argues, therefore, it was not required to hold a manifestation determination if Student was removed from his educational placement for more than 10 school days in a school year due to violations of a code of student conduct.

However, based on the facts of this case, it is not necessary to resolve whether Glendale had a "basis of knowledge." Before a student has a right to a manifestation determination, regardless of whether the student has an IEP at the time, the student must have been removed by "school personnel" from his educational setting, "because of a violation of a code of student conduct" for more than 10 school days. (34 C.F.R. §§ 300.530(b) & (e), 300.536.) As discussed more fully below, Student failed to prove by a preponderance of the evidence that Glendale removed Student because of violations

of a code of student conduct for more than 10 school days. Therefore, this Decision need not, and does not, determine whether Glendale had a "basis of knowledge" Student was a child with a disability.

Glendale also urges OAH to make findings regarding Parent's willful defiance at hearing, due to Parent's refusal to testify and disregard for decorum instructions. At hearing, Parent refused to testify despite being identified as a Glendale witness in Glendale's January 6, 2026 prehearing conference statement witness list. In addition to identifying Parent as a witness, Glendale's prehearing conference statement expressly reserved the right to call any witness on Student's witness list. Student's witness list included Parent.

At hearing, Student argued that because Parent was not subpoenaed or included on a subsequent witness list uploaded to Case Center by Glendale, Parent did not have adequate notice that Glendale sought to call Parent as a witness. Glendale asserted that the witness schedule uploaded to Case Center only identified the witnesses under Glendale's control, which did not include Parent. The January 14, 2026 prehearing conference order states: "Parties shall make witnesses under their control reasonably available." During the hearing, the ALJ overruled Parent's objection, and ordered Parent to testify.

Despite the ALJ's order, Parent refused to testify. As a result, the ALJ permitted Glendale to ask its questions of Parent on the record, and to allow Parent, pursuant to Parent's request, to lodge a standing objection applicable to each Glendale question. The ALJ instructed Parent and Glendale that, as a result of Parent's refusal to comply with the notice and the ALJ's order to appear as a witness, all legal consequences were permitted in connection with Parent's refusal, including drawing negative inferences.

Ultimately, however, no negative or adverse inferences were drawn from Parent's refusal to testify and none are found by, or factored into, this Decision. In addition, despite Parent repeatedly interrupting and arguing rulings with the ALJ in violation of the decorum instructions for hearing, no negative or adverse inferences were made to determine that Student did not meet his burden of proof in this Decision.

NO DISCIPLINARY CHANGE OF PLACEMENT

After calling 12 witnesses, over 10 days of hearing, Student established he experienced one day of school disciplinary removal during the 2025-2026 school year. Student established frequent periods of time when Student was outside of class, due to Student's elopement. Student also established that he experienced changes during this time period, including teacher and school changes, as well as disenrollment from Glendale. However, Student failed to prove these issues constituted a disciplinary change of placement that required Glendale to hold a manifestation determination review.

During the 2025-2026 school year, Student attended three different first-grade Spanish dual-language immersion classrooms in Glendale, and he experienced behavioral challenges in each. For approximately the first 10 days of the 2025-2026 school year, Student attended Mariana Luna's first-grade dual-immersion class at Thomas Edison Elementary School. In Luna's class, examples of Student's behavioral challenges included not following instructions, walking around the classroom at inappropriate times, and failing to complete tasks. At some point prior to September 4, 2025, Parent complained to Glendale about Luna. On approximately September 4, 2025, Student changed first-grade classes, from Luna's class to Susana Mancilla's class, another first-grade dual-immersion class at Edison. The evidence established that

Student's teacher change was a result of Parent preference, not school discipline. Student failed to prove Student was removed by Luna, or any other Glendale school personnel, for violations of the school code of conduct during the first 10 days of the 2025-2026 school year.

While Student attended Mancilla's class, from approximately September 5, through October 17, 2025, Student established he had one day of school discipline removal as a result of suspension. In Mancilla's class, Student exhibited similar behaviors to those in Luna's class, as well as additional behaviors, such as hitting, kicking, biting, and elopement, meaning leaving the classroom or other school areas without permission.

During Student's second full week in Mancilla's class, on September 19, 2025, Student left school early with his adult brother. Student experienced behavioral challenges that day, including elopement from class, while his brother was volunteering in his class. The Edison assistant principal logged an entry in Glendale's online record keeping system named "Q" that Student's: "[b]rother decided to take student home early after speaking to mom" that day. The assistant principal could not recall whether the brother had been asked to take Student home early by Glendale. She recorded what she had been told, as she was not present during the entirety of the event. An Edison administrative secretary, who worked in the Edison front office, also testified that she did not recall Parent ever being called to pick Student up early. Though a requirement to pick Student up early because of violations of school rules could constitute an informal disciplinary removal, Student failed to prove that the adult brother or Parent was required, or asked, by Glendale to pick Student up early because of violations of a code of conduct on September 19, 2025. Neither of Student's Parents

testified about the September 19, 2025 event, nor did Student argue in his closing brief that it constituted a removal. Accordingly, Student did not meet his burden of proof that he was removed by Glendale on this date. However, even if this was deemed a disciplinary removal, as found below, it still would not have triggered an obligation to hold a manifestation determination review.

Throughout the approximately six weeks Student attended Mancilla's class, Student established he was frequently out of class due to elopement from the classroom and other school areas, sometimes for extended periods of time. However, Student offered no legal authority or persuasive evidence that Student's elopement during this time, or at any other time, constituted a school disciplinary removal. The plain language of the statute indicates that disciplinary removals are made by "school personnel." (20 U.S.C. § 1415(k)(1)(B); 34 C.F.R. § 300.530(b)(1).) Consistent with the statutory language, the U.S. Department of Education guidance defines an informal removal, in relevant part, as, "action taken by school personnel in response to a child's behavior that excludes the child ….." (Discipline Q&A, *supra*, at p. 26.)

Here, Student's elopement was not a formal or an informal disciplinary removal because Glendale did not remove Student due to violations of a code of student conduct. Instead, Student was outside of class because he left the class when he eloped. Moreover, when Student eloped, a rotating group of Edison staff, including the Edison teacher specialist, assistant principal, and principal, accompanied Student to keep him safe and to redirect him back to class, not to exclude him. Student presented no evidence that after Student eloped, and once Student was ready to return to class, he was prevented from doing so. Student does not appear to contest this finding, as

Student's closing brief does not assert he was removed from Mancilla's class, or otherwise removed by Glendale, prior to October 16, 2025. Student's closing brief asserts disciplinary removals occurred between October 16, 2025, and February 6, 2026.

On October 15, 2025, Student engaged in behavior for which he was suspended for one day on October 16, 2025. Student was suspended from Mancilla's class under California Education Code Section 48900(a)(2), for "force/violence on others," in connection with Student's repeated biting behavior that occurred on October 15, 2025. Student's one-day suspension was served on Thursday, October 16, 2025. This was Student's first day of suspension. Subsequently, Parent made a complaint regarding Mancilla to Glendale. The evidence established that on other occasions, when Student displayed disruptive, violent, or aggressive behaviors in Mancilla's class, Student was given space in the classroom to pace, and Mancilla called the office for additional support, but Student was not suspended or otherwise removed by Glendale.

At hearing, Parent generally asserted Student was also removed the following day and questioned witnesses about what occurred on October 17, 2025. Mancilla and Edison principal Carmen Labrecque established that Student entered the classroom that day, but they were not certain how long he attended. That day, Parent visited Edison. Sometime thereafter, Parent and Student left the school site. Student presented no evidence that Parent was instructed to take Student home early that day or that Student was otherwise removed by Glendale. However, whether Student attended Edison on October 17, 2025, for a shortened day, is not determinative of whether this was a disciplinary removal. Even assuming, for the sake of argument, that Student was

informally removed for an additional day, or half-day, on October 17, 2025, Glendale was not required to hold a manifestation determination review, as Student would have been removed for at most two school days, not more than 10.

On Monday, October 20, 2025, Student began attending first grade at another Glendale elementary school, John Muir Elementary. The evidence established that the transfer of school sites, from Edison to John Muir, was not a result of Student's conduct, but due to allegations of the Parent. There was a history of complaints made by Parent against all the Spanish dual-language immersion teachers who were teaching first grade at Edison during the 2025-2026 school year. Parent made complaints against both Student's first-grade teachers, as well as against Student's kindergarten teacher, who was the only other Edison first-grade dual-immersion teacher during the 2025-2026 school year. Accordingly, Glendale identified another Spanish dual-language immersion class at John Muir Elementary, for Student to attend. Parent completed Glendale paperwork to effectuate the change to John Muir. As a result, Student began attending Diana Echeverria's first-grade dual-immersion class at John Muir on Monday October 20, 2025.

Student's closing brief generally asserts that Student experienced disciplinary removals constituting a pattern between October 16, 2025, through February 6, 2026; however, it does not identify any specific events in Echeverria's class, other than Student's disenrollment, that Student contends constituted disciplinary removals. In Echeverria's class, Student exhibited similar behaviors to those in Mancilla's class, including disruptive and aggressive behaviors, as well as frequent periods of elopement when Student could be out of class for an extended period of time.

At John Muir, Student was supported by an aide, also called an embedded support person, inside and outside of class. When Student eloped, the aide and other John Muir staff, including, on occasion, the principal and assistant principal, accompanied Student for safety. Like the staff at Edison, John Muir staff's goal when Student eloped was to keep Student safe, as well as to provide Student with support so that he could return to class.

Student presented no evidence that Glendale removed Student from class because he violated a code of conduct while attending John Muir. When Student experienced challenging behaviors in class, such as disruptive or aggressive behaviors, Echeverria, like Mancilla, allowed Student to remain in class and did not remove him. Student presented no evidence that after Student eloped, and once Student was ready to return to class, Glendale prevented him from doing so. Like at Edison, Student's elopement at John Muir was not a school disciplinary removal. Student was outside of class due to his leaving, not because Glendale removed him for violations of the school code of conduct.

The testimony of all Glendale staff, including three first-grade teachers, two principals, and two assistant principals, was consistent that, although Student was frequently out of class due to elopement, Student was only removed once by Glendale while attending Edison and John Muir due to violations of the school code of conduct. Even if the other two times discussed above were considered, "removals," which was not established, the aggregate still would have been well under the threshold to require a manifestation determination review.

(This space is intentionally left blank. Text continues on the following page.)

Student presented no evidence that once Student was outside of class due to elopement, Glendale prevented him from returning once ready or that while outside of class he was subsequently removed for violations of the school code of conduct. The testimony of all Glendale staff, who accompanied Student when he eloped, was consistent that the goal was to keep Student safe and return him to class after he had eloped. Moreover, although Student established that many occurrences of Student's behavioral challenges, such as elopements, were not logged in Glendale's online "Q" record system, Student failed to prove that the absence of these records established that Student had experienced any additional school disciplinary removals.

Student's disenrollment from Glendale on or around November 17, 2025, was also not a disciplinary change of placement. Student generally asserts in his closing brief that Glendale's disenrollment of Student, through February 6, 2026, constituted a pattern of removal. However, the evidence established that disenrollment was not a result of Student's conduct, but due to a residency issue. There was a history of residency disputes regarding the McKinney-Vento Act and related matters between Parent and Glendale. OAH does not adjudicate alleged McKinney-Vento Act violations. A determination of residency is outside the scope of this Decision, and no findings are made here regarding Student's residency or disenrollment.

Finally, Student asserts three new issues in his closing brief regarding Glendale's alleged denial of a free appropriate public education, referred to as FAPE, to Student. Whether Student was denied a FAPE was not at issue in this expedited hearing. Accordingly, this Decision makes no determination about whether Student was denied a FAPE.

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.

Here, Student failed to prove that Glendale was required to hold a manifestation determination review meeting for disciplinary removals occurring during the 2025-2026 school year.

EXPEDITED ISSUE 1:

Student did not establish that Glendale had an obligation to hold a manifestation determination review team meeting for disciplinary removals occurring during the 2025-2026 school year; thus, Glendale did not fail to hold a manifestation determination meeting during the period at issue.

Glendale prevailed on Issue 1, which was the sole expedited issue 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 56505, subdivision (k), any party may appeal this Decision to a court of competent jurisdiction within 90 days of receipt.

Daniel Senter
Administrative Law Judge
Office of Administrative Hearings