

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

CASE NO. 2025120006

EXPEDITED DECISION

April 6, 2026

On February 4, 2026, the Office of Administrative Hearings, called OAH, received a second amended due process hearing request from Student, naming Los Angeles Unified School District, called Los Angeles, as respondent. The complaint contained expedited and non-expedited hearing claims. OAH granted the second motion to amend on February 10, 2026, and set the expedited and non-expedited matters for separate hearings. The expedited claims proceeded to hearing with no continuances. This Decision addresses only the expedited claims.

Administrative Law Judge Claire Yazigi heard this matter by videoconference on March 5, 17, 18, 19, 20, and 24, 2026. The Administrative Law Judge is called ALJ.

Parent represented Student. At the time of hearing, Student was over 18 years old, and Parent held his educational rights. Attorney Donald Erwin represented Los Angeles. On each day of hearing, either Sherri Robertson, Erica Garcia, Nadia Aguilar, or Francine Metcalf attended on Los Angeles's behalf.

On March 24, 2026, the last day of hearing, the parties' request to file closing arguments by March 26, 2026, was granted; however, the timeline for issuing this Decision was not extended. Los Angeles filed a closing brief on March 26, 2026. Parent also filed a closing brief on March 26, 2026, but exceeded the 20-page limit by 13 additional pages. The following day, on March 27, 2026, Parent filed another, shorter, closing brief. Half of the first page of the brief was a motion that the shorter brief be considered instead of the timely longer brief that ran afoul of page limit. Parent explained that she was unable to timely edit down the longer brief because of her time constraints due to caring for Student and his unique needs. As of the date of this Decision, Los Angeles filed no objection or response to Parent's motion.

The undersigned performed a cursory review of Student's first closing brief to rule on this motion. Student's amended closing brief is a shorter version of the original and is not a rebuttal of Los Angeles's closing brief, which could have potentially given Student advantage over Los Angeles. For that reason, Student's first closing brief is stricken and Student's amended closing brief will be the brief considered in this expedited matter. Student's amended closing brief also runs afoul of the 20-page limit, at 21 pages long. Taking into account that the first half of Student's amended closing brief is the motion requesting that OAH accept the amended brief, the undersigned considered Student's amended closing brief through the middle of page 21, allowing Student exactly 20 pages for closing argument text.

EXPEDITED ISSUES

1. From November 24, 2023, through the remainder of the 2023-2024 school year, did Los Angeles fail to hold a manifestation determination review meeting when it changed Student's placement due to disciplinary reasons for more than 10 school days?
2. During the 2024-2025 school year, including extended school year, did Los Angeles fail to hold a manifestation determination review meeting when it changed Student's placement due to disciplinary reasons for more than 10 school days?
3. From the beginning of the 2025-2026 school year through February 10, 2026, did Los Angeles fail to hold a manifestation determination review meeting when it changed Student's placement due to disciplinary reasons for more than 10 school days?

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

A parent of a special education student may appeal a school district's determination that particular conduct resulting in a disciplinary change of placement was not a manifestation of the child's disability 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.

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

(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).)

The factual statements in this Expedited 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 18 years old and was not in school at the time of the hearing. Student resided within Los Angeles's geographic boundaries at all relevant times. At the time of hearing, Student's most recent eligibility for special education was under the category of Autism.

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

ISSUE 1: FROM NOVEMBER 24, 2023, THROUGH THE REMAINDER OF THE 2023-2024 SCHOOL YEAR, LOS ANGELES DID NOT FAIL TO HOLD A MANIFESTATION DETERMINATION REVIEW MEETING BECAUSE IT DID NOT CHANGE STUDENT'S PLACEMENT DUE TO DISCIPLINARY REASONS.

BENJAMIN FRANKLIN HIGH SCHOOL, NOVEMBER 24, 2023, TO FEBRUARY 22, 2024

Student contends that Los Angeles inappropriately disciplined Student for lack of school attendance without first holding a manifestation determination review. Specifically, Student alleges that Los Angeles offered an unsafe campus because it had a tall, four-story building which was incompatible with Student's history of suicidal ideation and previous attempt at jumping off a roof, thus preventing him from attending school. Student contends that Los Angeles punished this absenteeism by either failing to enroll Student in school or, when Los Angeles did enroll Student, assigning him failing grades when he did not attend. Student also contends that Los Angeles punished Student when it made daily automated telephone calls to Parent informing her of Student's absences and when it sent a school attendance counselor and three school police officers to Student's home to check on Student. Student alleges that these actions were disciplinary in nature in that they served to intimidate and harass the family and punish Student's lack of attendance. Student alleges that the combined disenrollment and absences, totaling well over 10 days, amounted to suspensions because they were unavoidable. As such, Student alleges that Los Angeles should have held a manifestation determination review meeting and failed to do so.

Los Angeles contends that Student's absences were not a result of discipline or suspension but rather due to family refusal to bring Student to school based on their safety concerns and disagreement with Los Angeles's placement offer, as well as Student's own school refusal and mental health concerns. On the contrary, Los Angeles contends that it made efforts to encourage Student's attendance and bring him back to school. As such, Los Angeles contends that it was not required to convene a manifestation determination review meeting.

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).)

Though not binding authority, the U.S. Department of Education has provided guidance that school districts must consider for 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

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

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.)

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.)

Student was in the 10th grade for the 2023-2024 school year. Student's fall semester 2023 report card was issued from Benjamin Franklin High School, Student's school of residence, and covered the period from August 14, 2023, through December 15, 2023. The report card was divided into four progress time periods. The first time period for the fall semester bore no marks, only dashes, establishing that Student was not enrolled at Franklin for the first portion of fall semester. Specifically, of the 17 instructional days from August 14, 2023, to September 8, 2023, Student was only enrolled in school for two days. Student alleged that this period of disenrollment was a "constructive suspension" and disciplinary in nature and thus entitled Student to a manifestation determination. Student provided no legal support for this contention.

Student did not attend Franklin during the fall semester because of Parent's concern that it was an unsafe placement considering student's recent suicide attempt. Specifically, Student had attempted to jump off the roof of his home, and Franklin was four stories tall. Parent believed that such a placement was inappropriate for Student

lest he have further suicidal ideation. As noted, Student provided no legal authority for concept of “constructive suspension.” The evidence established that Los Angeles did not discipline Student nor remove him from school during the period of disenrollment.

As a result of Student’s absences, for the remaining three time periods in fall semester, Student received a combination of Fs, “no passes” or “no marks” in all classes except for homeroom. By November 2023, Parent was receiving two automated phone calls per school day, one in the morning and one in the evening, informing her that Student was absent. Parent also received automated calls regarding any D or F marks Student received, approximately every five weeks, prior to report cards being issued.

To address Student’s chronic absences, Carla German, the assistant principal of special education at Franklin, directed Ellen Hiller, a pupil services and attendance counselor, to conduct a home visit to Student. Home visits were one part of Los Angeles’s tiered approach to support students in improving their attendance. Hiller credibly testified to her role as a pupil services and attendance counselor. Hiller established that she was to provide resources to students and families to improve attendance and educate parents of their legal responsibility to ensure student attendance. Hiller established that her role was to support attendance, not to punish or discipline students for lack of attendance.

Hiller conducted a home visit on January 11, 2024. Hiller explained that Parent was upset by the visit, so Hiller terminated the visit quickly. Three school police officers were also at the home during Hiller’s visit to conduct what Hiller believed to be a wellness check on the family, but Hiller did not request the presence of those officers.

The Los Angeles Student Handbook in effect during the 2023-2024 school year corroborates Hiller's testimony, setting forth Los Angeles's practice of using positive behavior interventions to increase attendance and reduce suspensions. (*Los Angeles Parent Student Handbook*, 2023-2024 ed., p. 33) Hiller's testimony was further corroborated by testimonies of

- Regina Martinez, the principal at Franklin,
- Carla German, the assistant principal of special education at Franklin,
- Brenda Herrera, Student's assigned school counselor at Franklin, and
- Jennifer "Betty" White, the Franklin school psychologist that assessed Student in September 2023.

They each testified consistently and persuasively that attendance interventions were not disciplinary in nature and were intended to bring students back to school, not exclude them from it.

Student did not attend Franklin for the remainder of the 2023-2024 school year. By the end of February 2024, Student's Spring 2024 report card continued to reflect a combination of Fs, "no passes," "incomplete" or "no marks" in all classes except for homeroom.

Parent asserts that Student's lack of attendance was unavoidable due to safety concerns regarding his qualifying special education disability, yet Los Angeles treated the absenteeism as a violation of the student code of conduct and disciplined Student by assigning him poor or failing grades, subjecting the family to repeated automated

calls, and sending an attendance counselor and school officers to the family home. As a result, Parent argues, Los Angeles was required to conduct a manifestation determination review.

This argument is not persuasive. Student did not prove that Los Angeles's actions amounted to a pattern of disciplinary removal. On the contrary, the evidence established that Los Angeles made efforts to make Parent aware of Student's absences and facilitate Student's return to school, not remove him from it.

Whether Los Angeles's placement offer was inappropriate given Student's needs, practically rendering Student unable to attend school, implicates the provision of a free appropriate public education, referred to as FAPE, to the child, and is not a question at issue in this Expedited Decision. (20 U.S.C. § 1415(b)(6), (f) &(k); 34 C.F.R. § 300.511 (2006); Ed. Code, §§ 56501, 56502, and 56505; Cal. Code Regs., tit. 5, § 3082.)

Here, the plain meaning of the manifestation determination statute controls. Words shall have their usual meaning unless the context or a definition of a word or phrase indicates a different meaning. (Cal. Code Regs., tit. 2, § 60010, subd. (a).) Generally, statutory interpretation requires a determination of "whether the language at issue has a plain and unambiguous meaning with regard to the particular dispute in the case." (*Barnhart v. Sigmon Coal Co., Inc.* (2002) 534 U.S. 438, 450 [122 S.Ct. 941, 151 L.Ed. 2d 908].) No further interpretation is required if the statutory language is unambiguous and "the statutory scheme is coherent and consistent." (*Id.* at p. 450.) Student was not suspended or expelled from Franklin. Student did not establish that his absence from school was the result of a formal or an informal disciplinary removal requiring a manifestation determination review.

OAK GROVE

Los Angeles held Student's annual IEP team meeting on February 22, 2024. As of the date of the IEP team meeting, Student's documented school of attendance was Franklin High School. The Los Angeles members of the IEP team identified Student's special education eligibility as emotional disturbance, and recommended placement at the Jack Weaver School, a non-public school with a residential treatment campus component called Oak Grove that provided educationally related intensive counseling services. The Los Angeles members of the IEP team believed that the offer was appropriate to address Student's social-emotional and behavioral needs. Parent agreed to implementation of the placement offer, but did not agree that it constituted FAPE. Student was admitted to Jack Weaver, Oak Grove, on February 29, 2024.

Parent testified that during Student's stay at Jack Weaver, Oak Grove, the school systematically drugged Student to sleep, leaving him in his dormitory for about four to five hours of the school day, rendering him unable to attend to his education. Parent alleges that Oak Grove, as an agent of Los Angeles, did so as an inappropriate response to Student's behavior challenges, and that this essentially served as an informal, constructive suspension and disciplinary removal from the classroom for a total of over 10 days.

Aside from one entry in the August 20, 2024 IEP made by Parent alleging one incident where Student was "highly medicated on Seroquel," Student offered no evidence to corroborate this allegation, including any percipient, expert, or medical testimony to explain what medications Oak Grove administered to Student, the effect of the medications, and whether the administration of any such medications were not medically necessary for Student's care.

Student did not meet his burden to establish that any absences at Oak Grove during this period constituted a disciplinary change of placement that required Los Angeles to hold a manifestation determination review.

ISSUE 2: FOR THE 2024-2025 SCHOOL YEAR LOS ANGELES DID NOT FAIL TO HOLD A MANIFESTATION DETERMINATION REVIEW MEETING BECAUSE IT DID NOT CHANGE STUDENT'S PLACEMENT DUE TO DISCIPLINARY REASONS.

CASA PACIFICA

Due to Parent's concerns with Student's treatment at Jack Weaver Oak Grove, Parent removed Student from that placement on September 21, 2024. This removal was made against the educational recommendation of the IEP team, as stated in the September 24, 2024 IEP team meeting notes. Pursuant to informal dispute resolution agreement dated November 19, 2024, Student was placed at Casa Pacifica, a certified nonpublic school and residential treatment facility.

On April 1, 2025, while at Casa Pacifica, Student exposed his buttock during a clinical group meeting with other students and expressed homicidal ideation toward another student. Casa Pacifica did not treat this incident as a disciplinary matter. Rather, Casa Pacifica's initial intent was to return Student back into the educational setting. However, when a Casa Pacifica clinician discussed the incident with Student, he reiterated the homicidal intention. At this point, Casa Pacifica employed its "crisis team" to recommend next steps. The crisis team recommended that Student be placed in an involuntary hold pursuant to section 5585 of the California Welfare and Institutions Code, which allows a peace officer or county agent to place a minor in a facility

designated by the county for 72-hour treatment and evaluation when the minor poses a threat to themselves or others due to mental disorder. (Welfare and Inst. Code, § 5585.50(a).) Student was transported to a hospital emergency room and remained there until April 3, 2025. On April 3, 2025, Student was transferred to Vista Del Mar Hospital until April 18, 2025.

Parent argues that Student's actions on April 1, 2025, violated the student code of conduct and were a result of his disability and that his subsequent removal was disciplinary. Parent alleges that Casa Pacifica, as a non-public agent of Los Angeles, initiated Student's removal from Casa Pacifica for over 10 days as a disciplinary measure against Student, and that Los Angeles failed to hold a manifestation determination for that removal.

This argument is not persuasive. First, while Student's self-exposure and homicidal threats could have qualified for discipline, the evidence established that Casa Pacifica did not suspend or remove Student for disciplinary reasons. Rather, the evidence established that Student was placed on an emergency psychiatric hold pursuant to section 5585, specifically for "treatment and evaluation." Tasneem Dieguez, Student's Los Angeles case manager for Casa Pacifica, credibly corroborated through testimony that the purpose of the removal was a medical, and not disciplinary hold.

Second, at most, Casa Pacifica was responsible for initiating Student's removal to the hospital for two days, from April 1, 2025, to April 3, 2025, for evaluation. Student did not establish that Casa Pacifica was responsible for Student's further removal to Vista Del Mar Hospital from April 3, 2025, to April 18, 2025. Rather, the evidence indicates the opposite. Upon discharge from Vista Del Mar Hospital, Vista Del Mar provided Student with a note, requesting that Student be excused from any school

absences during his stay at the hospital from April 3, 2025, to April 18, 2025. Student provided no evidence that there was a disciplinary removal or suspension while Student was at the emergency room or Vista Del Mar. Student did not establish that the psychiatric removal entitled Student to a manifestation determination.

Student does not allege any other disciplinary actions for the remainder of 2024-2025 school year, apart from a general contention that Los Angeles's continued failure to offer an appropriate placement for Student had a punitive, disciplinary effect. This allegation implicates the provision of FAPE and is not a question at issue in this Expedited Decision.

Student failed to meet his burden on this issue.

ISSUE 3: FROM THE BEGINNING OF THE 2025-2026 SCHOOL YEAR THROUGH FEBRUARY 10, 2026, LOS ANGELES DID NOT FAIL TO HOLD A MANIFESTATION DETERMINATION REVIEW MEETING BECAUSE IT DID NOT CHANGE STUDENT'S PLACEMENT DUE TO DISCIPLINARY REASONS.

Student realleges that Los Angeles's failure to offer an appropriate placement for the 2025-2026 school year is punitive and has a disciplinary effect on Student. Student offered no law supporting this contention. Additionally, Student offered no evidence establishing a disciplinary removal during the current school year through February 10, 2026.

Accordingly, Student failed to meet his burden on this issue.

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

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 Los Angeles was required to hold a manifestation determination review meeting for disciplinary removals during the statutory period.

EXPEDITED ISSUE 1:

Student did not establish that Los Angeles had an obligation to hold a manifestation determination review team meeting because no disciplinary removals occurred from November 24, 2023, through the remainder of the 2023-2024 school year; thus, Los Angeles did not fail to hold a manifestation determination meeting during the period at issue.

Los Angeles prevailed on Issue 1.

EXPEDITED ISSUE 2:

Student did not establish that Los Angeles had an obligation to hold a manifestation determination review team meeting because no disciplinary removals occurred during the 2024-2025 school year; thus, Los Angeles did not fail to hold a manifestation determination meeting during the period at issue.

Los Angeles prevailed on Issue 2.

EXPEDITED ISSUE 3:

Student did not establish that Los Angeles had an obligation to hold a manifestation determination review team meeting because no disciplinary removals occurring from the beginning of the 2025-2026 school period to February 10, 2026; thus, Los Angeles did not fail to hold a manifestation determination meeting during the period at issue.

Los Angeles prevailed on Issue 3.

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.

Claire Yazigi

Administrative Law Judge

Office of Administrative Hearings