

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

ROCKLIN ACADEMY FAMILY OF SCHOOLS,

v.

PARENTS ON BEHALF OF STUDENT.

CASE NO. 2026010984

EXPEDITED DECISION

APRIL 15, 2026

On January 28, 2026, the Office of Administrative Hearings, called OAH, received a due process hearing request from Rocklin Academy Family of Schools, called Rocklin, naming Student. The complaint contained only expedited claims.

The matter was inadvertently scheduled on an ordinary, rather than expedited, timeline. On March 4, 2026, OAH set the matter for an expedited timeline. The expedited claims proceeded to hearing with no continuances. This Decision addresses all claims in this matter.

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

Attorneys Brittnee Gillespie Malone and Tellis Aucoin appeared on behalf of Rocklin. Chelsea Bowler-Shelton, Assistant Superintendent of Educational Services and Ramona Rogers, Director of Special Education Support Programs, also attended on Rocklin's behalf. Parent appeared on behalf of Student. Student did not attend.

On March 24, 2026, the last day of hearing, the record was closed, and the matter was submitted for decision. The ALJ allowed the parties to file closing briefs by March 26, 2026, but did not continue the matter. Rocklin and Student filed closing briefs.

## EXPEDITED ISSUES

1. Is maintaining the current educational placement of Student at Rocklin Academy substantially likely to result in injury to Student or others?
2. Is Rocklin Academy's general education classroom with one-to-one aide support and behavior intervention plan an appropriate interim alternative educational setting?

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## JURISDICTION

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

- all children with disabilities have available to them a 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).)

The law also provides that school personnel may remove a student to an interim alternative educational setting for not more than 45 school days, regardless of whether the student's behavior is determined to be a manifestation of the student's disability, under special circumstances. (20 U.S.C. § 1415(k)(1)(G); 34 C.F.R. § 300.530(g) (2006).) The individualized education program, called IEP, team, determines the interim alternative educational setting. (20 U.S.C. § 1415(k)(2); 34 C.F.R. § 300.531 (2006).)

A local educational agency may request a due process hearing to authorize a change of placement if the agency "believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others." (20 U.S.C. § 1415(k)(3)(A); 34 C.F.R. § 300.532(a) (2006).) An interim alternative educational setting placement request requires an expedited hearing that 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) (2006).)

After such a hearing, an ALJ may order a change of placement to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others. (20 U.S.C. § 1415(k)(3)(B)(ii)(II); 34 C.F.R. § 300.532(b)(2)(ii).) 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).)

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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, Rocklin filed the complaint and had the burden of proof.

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 10 years old and in fourth grade at the time of the hearing. Student was enrolled within Rocklin at all relevant times, and attended the Gateway campus. Student was eligible for special education under the category of other health impairment. Student had been diagnosed with attention deficit hyperactivity disorder, combined type, and demonstrated anxiety symptoms.

#### ISSUE 1: IS MAINTAINING THE CURRENT EDUCATIONAL PLACEMENT OF STUDENT AT ROCKLIN ACADEMY SUBSTANTIALLY LIKELY TO RESULT IN INJURY TO STUDENT OR OTHERS?

Rocklin contends that Student demonstrated a pattern of frequent aggressive behaviors toward peers and staff members since he began attending school. Rocklin further contends that these behaviors occurred throughout the school day, including in the classroom, at recess, during physical education and music classes, and while transitioning between classes. Rocklin contends that these behaviors were unsafe and could result in injury to Student or others.

Student contends that Student's behaviors were not substantially likely to cause injury to himself or others, such that it was not appropriate to place Student in an interim alternative educational setting. Student also contends that Rocklin's complaints were better understood as a long-standing dispute over Student's need for a one-to-one aide, rather than as an expedited claim under special education law.

A school district may request a due process hearing to authorize a change of placement if the district believes that maintaining the current placement of the child is substantially likely to result in injury to the child, or to others. (20 U.S.C. § 1415(k)(3)(A); 34 C.F.R. § 300.532(a).) When considering whether "maintaining the current placement of the child is substantially likely to result in injury to the child or to others," the Eighth Circuit rejected the proposition that a child must first inflict serious harm before that child can be deemed substantially likely to cause injury. (*Light v. Parkway C-2 School Dist.* (8th Cir. 1994) 41 F.3d 1223, 1230.) The Court held there is no requirement a child must be "truly dangerous" or "intend to cause injury," as "a child whose behaviors flow directly and demonstrably from [their] disability is subject to removal where that child poses a substantial risk of injury to [them]self or others." (*Id.* at p. 1228; see also *Alex G. ex rel. Dr. Steven G. v. Board of Trustees of Davis Joint Unif. Sch. Dist.* (E.D. Cal. 2005) 387 F.Supp.2d 1119, 1127.)

Behaviors that have been found substantially likely to result in injury include:

- *Irvine Unif. Sch. Dist. v. Student* (2025) OAH Case Number 2025070601:
  - defecating in the classroom and throwing feces,
  - urinating in the classroom and disrobing,

- attempting to elope from campus,
  - kicking adults and hitting peers, and
  - biting and scratching staff, breaking the skin which required medical attention.
- Corona-Norco Unif. Sch. Dist. v. Student (2025) OAH Case Number 2024120668:
    - repeatedly attacking staff, causing injury despite staff wearing protective equipment,
    - threatening to bring a firearm to school,
    - flipping over desks,
    - punching staff with a closed fist, and
    - biting and scratching staff, breaking the skin and leaving a scar.
- *Escondido Union Sch. Dist. v. Student* (2022 (amended January 10, 2023)) OAH Case Number 2022090966:
    - multiple attempts to elope, and multiple successful elopements from the classroom and campus,
    - engaging in sexualized behaviors and threats of sexual assault,
    - self-injurious behaviors requiring staff restraints and resulting in 72-hour psychiatric holds,

- biting and scratching staff, and
- threatening to bring weapons to school.
- *Odyssey Charter Sch. v. Student* (2022) OAH Case Number 2022010223:
  - eloping from the classroom multiple times per day,
  - urinating in the classroom,
  - biting staff hard enough to puncture skin,
  - hitting and punching which resulted in bruising,
  - throwing chairs and stools, and
  - climbing on furniture.

OAH decisions are not binding precedent but may be persuasive. (Cal. Code Regs., tit. 5, § 3085.) These cases are persuasive here, because they demonstrate the significant behaviors needed to authorize a removal to an interim alternative educational setting. Student's behaviors here did not rise to that level. As explained below, Rocklin failed to meet its burden of proving that Student's current behaviors were substantially likely to result in harm to Student or others.

#### STUDENT'S BEHAVIORS PRIOR TO THE 2025-2026 SCHOOL YEAR

Student had a history of behaviors at school which Rocklin documented in a discipline report. Staff explained this report reflected all incidents of Student's discipline. The discipline report documented three different categories of discipline: minor discipline, major discipline, and suspensions.

During the 2024-2025 school year, when Student was in third grade at Gateway, Student received 15 minor disciplinary infractions, nine major infractions, and six suspensions. The discipline log did not indicate how many days Student was suspended. Elizabeth Dentzer, who was Gateway's assistant principal, and current acting principal, explained the differences between the three different categories.

Dentzer had been an assistant principal at Gateway since October 2024 and had known Student since that time. She held a bachelor's degree in visual arts and a master's degree in interdisciplinary arts education. Dentzer held a clear single subject teaching credential for art, and a clear administrative services credential. She generally attended between two and six IEP team meetings per week for the approximately 50 students she was responsible for. As assistant principal and acting principal, she was responsible for ensuring school safety including managing unsafe student behaviors.

Dentzer explained that a major discipline entry could pertain to two broad categories of behaviors. The first were behaviors that were repeated frequently despite staff intervention. The second were behaviors that involved physical aggression, threatening or sexual language, drugs, or alcohol. Minor discipline reports were for behaviors that were infrequent or not severe. Per Dentzer, minor discipline reports were often written by staff and not an administrator, because their focus was on the restorative process following a behavior.

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Dentzer then incongruously explained that major and minor incident reports were not connected to any specific discipline or consequences. Moreover, Dentzer explained that certain behaviors were “clear majors” including

- physical aggression,
- sexualized or threatening behavior,
- racism,
- drugs, and
- alcohol.

However, multiple behaviors reported in Student’s discipline log did not adhere to Dentzer’s description. For example, a minor entry dated December 16, 2024, indicated that Student had left unspecified “threatening notes” on peer desks throughout the week. Another minor report dated January 9, 2025, indicated Student slapped a peer in the face. Per Dentzer’s explanation of behavior that would be “clear majors,” these entries should have been described as major discipline but were not.

Additionally, certain behaviors were documented as major behaviors without a clear explanation. For example, in an incident dated May 19, 2025, Student reportedly refused to participate in a language arts task and went on his computer instead. By Dentzer’s definition, this behavior was miscategorized.

Dentzer also explained that the discipline report did not identify the author of the entries, and multiple staff members could write them. Dentzer testified that she would author major discipline entries but admitted that eight major entries from October 2025 were not authored by her. These recurrent errors and inconsistencies negatively impacted the reliability and persuasiveness of the discipline report.

Rocklin school psychologist Summer Reiff testified that she conducted Student's initial psychoeducational assessment, dated January 2025. Neither party introduced this assessment report into evidence.

Reiff held a bachelor's degree in psychology and a master's degree in school psychology. Reiff held a clear pupil personnel services credential in school psychology. Reiff testified as to her understanding that Student demonstrated significant behaviors, including making sexually related comments and gestures. Reiff was not clear as to when these behaviors occurred and she did not witness them. Neither had these behaviors been noted in the discipline report. Nevertheless, discipline entries documenting behaviors similar to those Reiff described took place during the 2024-2025 school year, but not during the current 2025-2026 school year.

Although Student had been found eligible for special education in January 2025, Parent did not consent to special education, including Student's initial IEP, during the 2024-2025 school year. However, Student's behavior improved once Parent consented to portions of the IEP, and Student began receiving special education services.

## STUDENT'S PLACEMENT DURING THE 2025-2026 SCHOOL YEAR

Student, at the time of hearing, attended fourth grade in a general education classroom at Rocklin's Gateway school site. Student was initially found eligible for special education on January 16, 2025. However, Parent did not consent to any portion of the IEP until August 2025, when Student began his fourth grade year.

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Parent did not consent to all portions of Student's initial IEP. Parent had consented to:

- special education eligibility,
- goals,
- accommodations,
- 30 minutes per month of specialized academic instruction consultation services,
- four 25 minute per month sessions of individual counseling,
- 30 minutes per week of behavior intervention services, and
- consultation services by an occupational therapist and behavior specialist.

Rocklin had offered 420 minutes per day of intensive individual services, which would be provided as a one-to-one aide. Parent did not consent to the aide, in part because she believed that the aide would negatively impact Student. Rocklin again offered this aide, and a behavior intervention plan in an IEP amendment, dated December 5, 2025. Parent did not consent to the aide or the behavior intervention plan.

Student's IEP team convened on January 15, 2026, for an annual review of Student's IEP. Rocklin offered nearly identical services to those offered in the initial and December 2025 amendment IEPs, except the direct behavior intervention services increased from 30 minutes per week of group services to 180 minutes per month of individual services. Parent did not consent to the January 15, 2026 IEP.

ROCKLIN FAILED TO PROVE THAT STUDENT'S CURRENT BEHAVIORS WERE SUBSTANTIALLY LIKELY TO INJURE STUDENT OR OTHERS

Rocklin failed to meet its burden of proving that, during the 2025-2026 school year, Student engaged in behaviors that were substantially likely to result in injury to himself or others. Rocklin staff repeatedly testified to a generalized risk of harm to Student or others at various points in the current school year. Rocklin did not prove that this generalized risk of harm met the threshold required to utilize the IDEA's emergency procedures to move Student to an interim alternative educational setting.

Rather, Student's problematic behaviors have lessened with the support included in his operative IEP and with other less formalized interventions Rocklin provided Student. As explained below, neither Rocklin's functional behavior assessment of Student, nor unpersuasive staff testimony satisfied Rocklin's burden of proof.

THE FUNCTIONAL BEHAVIOR ASSESSMENT DID NOT REVEAL BEHAVIORS SUBSTANTIALLY LIKELY TO RESULT IN INJURY

Rocklin conducted a functional behavior assessment, with a report dated December 2, 2025. There was conflicting testimony from multiple witnesses that Rocklin had conducted at least one previous functional behavior assessment, but no other reports were offered into evidence.

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Rocklin's behavior specialist and board certified behavior analyst Reilly Burns conducted the functional behavior assessment and authored portions of the report. Burns testified that Rocklin school psychologist Reiff also collaborated with Burns on portions of the report related to Student's need for a one-to-one aide, but the report did not independently reflect this.

The functional behavior assessment targeted a single behavior, Burns described as "Social Escalation." This behavior presented with three levels of intensity, with Level 1 being mild, Level 2 being moderate, and Level 3 being high intensity.

Burns described Level 1 behaviors, also called low intensity social escalation, as disruptive noises, calling out or making comments for attention, mild teasing, shut-down behaviors such as social withdrawal, and off-task behaviors during whole group instruction. Per Burns, these behaviors did not involve unsafe actions.

Burns described Level 2 behaviors, also called moderate social escalation, as directed comments intended to provoke or embarrass peers, approaching peers in close proximity, copying or mimicking peer behaviors in a disruptive or antagonistic manner, taking or touching peer belongings, and mild physical contact. Per Burns, these behaviors also did not involve unsafe actions.

Burns described Level 3 behaviors, also called high intensity or unsafe social escalation, as unsafe attention-seeking behaviors, such as bumping or running into peers at speed, making provocative statements intended to threaten or intimidate, actions requiring crisis-level intervention or removal of peers for safety, or ignoring

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personal boundaries that placed peers at physical or emotional risk. Rocklin argued that Student's high-intensity Level 3 behaviors were unsafe and justified his placement in an interim alternative educational setting.

However, Student only engaged in a single Level 3 behavior during the six hours of assessment observations in multiple settings across campus. During that incident, Student did not make physical contact with another peer. Rather, Student stood in "close proximity" to another peer and pointed his finger in that peer's face. The attached data from the observation included Burns's note that Student was "verbally stating phrases" as part of the behavior but did not document or explain what Student said. Based on Burns's definitions, the incident better fit a Level 2 behavior, rather than a Level 3 behavior.

Overall, the December 2025 functional behavior assessment did not establish that Student's behaviors were substantially likely to result in injury to himself or others.

### ROCKLIN STAFF TESTIMONY DID NOT PROVE STUDENT'S BEHAVIORS WERE SUBSTANTIALLY LIKELY TO RESULT IN INJURY

Acting principal Dentzer testified that she had observed Student give other peers bear hugs or "noogies" while on the playground. Multiple Rocklin staff members explained that a "noogie" involved Student holding another peer and rubbing their head with his hand. Rocklin did not prove Student regularly engaged in these behaviors.

Dentzer had never observed Student physically contact staff members. Rather, she explained that she was aware of incidents where Student had taken classroom items that didn't belong to him and tapped staff.

Dentzer initially testified that she had observed Student "hit" staff, before correcting herself to say "tapped." This correction is significant, because it is representative of Rocklin staff, including Dentzer, describing Student's behaviors inaccurately, or with overly broad or inflated language. While Dentzer corrected herself during her testimony, the remainder of Rocklin's witnesses generally did not self-correct, or only corrected themselves upon cross-examination.

Dentzer explained that Student was suspended on December 18, 2025, for making what staff called "guttural noises" which resulted in saliva getting on the faces of other students. Rocklin suspended Student for one day. Rocklin did not prove this behavior justified Student's placement in an interim alternative educational setting. Even if it did, other Rocklin staff testified that Student no longer made these noises.

Dentzer's testimony was not entirely persuasive. She repeatedly answered questions not from memory, but by reading her responses from exhibits, despite multiple instructions from the ALJ to not do so. Moreover, Rocklin repeatedly solicited Dentzer's testimony through leading questions. Accordingly, Dentzer's testimony was given discounted weight.

Teacher Tammy Sisenglath also testified on Rocklin's behalf. Sisenglath was Student's fourth grade general education classroom teacher. Sisenglath held a bachelor's degree in child and adolescent development, and a master's degree in

teaching. She held a multisubject teaching credential and a preliminary administrative services credential. The current school year was Sisenglath's first year teaching fourth grade at Rocklin.

Sisenglath described Student's behaviors in broad terms, including throwing erasers and pencils, taking items from others, pushing others, and verbalizing at others. She explained that Student threw items one to three times per week and did not always throw items at others. When he did, he threw them at people's backs. She believed that there was a potential that this behavior could hurt somebody, based on her general belief that somebody could get hurt whenever anything was thrown. Sisenglath also testified that Student would bang on walls or windows once per week. She did not persuasively explain how hard Student banged on the walls or windows, or how this behavior was substantially likely to injure Student or others, other than speculating that Student could potentially hit other Students if they were nearby.

The December 2025 functional behavior assessment report also did not mention Student throwing items or banging on walls and windows, either in Sisenglath's teacher input section, or in the behaviors Burns observed and analyzed. Moreover, Sisenglath explained in the teacher input section that the behaviors Student exhibited in the classroom were generally low intensity.

Sisenglath also testified that various Level 3 behaviors as described in the functional behavior assessment occurred daily or multiple times daily. However, neither the functional behavior assessment report, nor the discipline report reflected Level 3

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behaviors at that frequency. Sisenglath did not testify that any injuries resulted from any of those behaviors, other than an overall opinion that Student may make others uncomfortable.

Sisenglath conceded that Student's behaviors had improved during times he was transitioning between activities since Rocklin had implemented an accommodation to allow Student and a preferred peer to transition early with supervision by the classroom aide. She explained that, in the beginning of the 2025-2026 school year, Student could forcefully run into other peers during transition times. Sisenglath explained that Student made some form of contact with peers during each transition.

However, that behavior was nearly extinguished after Student began transitioning with the accommodation described above. Similarly, Sisenglath explained that earlier in the school year, she would receive reports of Student's unspecified negative behaviors from peers three to five times per day. More recently, those reports dropped significantly to three to five per week.

Sisenglath also testified that Student previously engaged in guttural noises, sometimes described as growling. When he made these noises, saliva would incidentally leave his mouth. Rocklin argued that this behavior reflected Student spitting at others, but Sisenglath did not endorse this interpretation. Student engaged in that behavior throughout the month of December 2025, but Sisenglath explained that Student no longer engaged in that behavior.

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Sisenglath further testified that on January 12, 2026, Student had a bottle of sprayable hand sanitizer pointed at another peer's face. Sisenglath believed that Student would spray the hand sanitizer at the other peer and intervened. Student did not spray any hand sanitizer and complied with Sisenglath's instruction. This behavior was documented as a "minor" incident, reflecting a low-intensity behavior.

Sisenglath also testified that on January 27, 2026, Student closed the lid of his Chromebook on two of her fingers. Sisenglath explained that she had redness and swelling on two fingers and mild pain. This incident was the only time Rocklin established that Student caused a relevant injury, albeit minor, on another because of his behavior. Nevertheless, this single incident is not in line with other cases where moving Student to an interim alternative educational setting was appropriate. (See e.g. *Irvine Unif. Sch. Dist. v. Student* (2025) OAH Case Number 2025070601 [biting and scratching staff breaking the skin which required medical attention]; see also *Corona-Norco Unif. Sch. Dist. v. Student* (2025) OAH Case Number 2024120668 [biting and scratching staff hard enough to break skin and leaving a scar].)

Sisenglath's testimony was not entirely convincing. For example, Sisenglath's testimony regarding Student throwing items was inconsistent with the discipline report. The discipline report only included a single incident on September 5, 2025, where Student was reported to have thrown items in the classroom. The record established that Student was in the classroom alone when he threw his pencil case and his glasses, and pushed chairs out of his way. Sisenglath did not convincingly explain how this incident was substantially likely to cause injury to Student or others, instead merely alluding to the possibility of injury. The discipline report did not reflect other instances of Student throwing items at others during the current school year.

Additionally, Sisenglath's testimony was not always internally consistent. For example, Rocklin counsel repeatedly asked Sisenglath the same or functionally identical questions regarding Student's behaviors during transitions. Sisenglath provided different answers. Sisenglath frequently appeared unsure and at times hesitant when explaining that Student's behaviors were unsafe. Taken together, Sisenglath's testimony was accorded discounted weight.

Rocklin also offered behavior specialist Burns's testimony. Burns held a bachelor's degree in psychology and a master's degree in applied behavior analysis. She was a board certified behavior analyst since November 2025 and was a Crisis Prevention Institute instructor. She had been employed by Rocklin as a behavior specialist since February 2023 and had conducted approximately 50 functional behavior assessments during her career.

Burns's testimony was in large part made in broad and general terms. Burns testified that she had observed Student hit, kick, and throw items at other peers. She described hitting as any unwanted physical contact and did not persuasively explain the force behind this contact, such as to distinguish between a hard slap and a light tap. Similarly, Burns explained that she observed Student throw items around the classroom and at others, ranging from pencils to balls of paper. However, she did not differentiate between how often Student threw which items or persuasively explain how hard Student threw the items.

Burns also testified that Student engaged in multiple negative behaviors per week. However, her testimony was significantly inconsistent with the behaviors in the discipline log. Burns also conceded that Student's negative behaviors overall had reduced, with some behaviors reducing significantly, during the 2025-2026 school year.

She admitted that Student did not cause any serious injuries and that Rocklin had put measures in place to ensure Student's safety and others, including in his IEP. The lack of serious injury was not conclusive as to the severity of Student's behaviors, but tended to show that Student's behaviors here were not substantially likely to cause injury.

Burns also testified that Student had been suspended for two days the week before her testimony. However, Burns could not give the exact date of the suspension, despite the close proximity of the event. Rocklin did not offer documentary evidence of the suspension. Burns testified that Student was dysregulated and threw food at the school chef during lunchtime. The record was unclear as to how hard Student threw the food or whether Student hit anyone with the thrown food. Burns worked with Student for approximately two hours to help Student regulate following the incident. Rocklin did not establish this incident justified Student's removal to an interim alternative educational setting.

Burns's testimony was generally not persuasive or credible. While she demonstrated some knowledge about Student, such as commenting that her testimony took place on Student's birthday, that Student was adopting a new cat, and provided percipient details for events she witnessed, the bulk of her testimony was not reliable.

For example, Burns was asked to identify certain other individuals on Student's IEP team or otherwise involved with Student's program at school. When asked to spell the names of the individuals, Burns spoke slowly with her voice rising in pitch as she spoke. She explained her uncertainty about the spelling of others' names, and that uncertainty corresponded with the slow, broken pace and rising pitch of her voice.

The reliability of Burns's testimony was not impacted by her inability to confidently spell the names of her colleagues. Rather, Burns repeatedly demonstrated this slow, broken speech with rising tone multiple times during her testimony on topics regarding the presentation of Student's behaviors, their severity, Student's suspensions, and her opinions regarding supports and services needed to address those behaviors.

Even when her voice did not rise in tone, Burns repeatedly started and stopped when answering questions. She did not demonstrate this stilted speech when testifying on topics on which she appeared more confident, such as incidents where she was a percipient witness. Nevertheless, Burns's facial expressions also indicated that she was unsure about several of her answers throughout her testimony.

Burns repeatedly read from her functional behavior assessment report when answering questions, despite multiple instructions from the ALJ to answer from memory unless instructed to review a document. Burns's testimony repeatedly contained circular or conclusory reasoning, such as her opinion that certain behaviors were unsafe because somebody could get hurt. Rocklin solicited portions of Burns's testimony through leading questions.

Finally, Burns's testimony did not survive cross-examination. She was evasive and appeared to struggle answering even simple questions from Student. Burns also demonstrated a lack of understanding of emergency interventions or protocols. Burns explained that asking Student to stop engaging in a behavior was an emergency protocol. However, Burns's definition and understanding were inconsistent with the law. (Ed. Code, § 56521.1.) Burns's testimony was generally not credible or persuasive and accorded little weight.

Finally, Rocklin offered the testimony of Harrison McCoin. McCoin was a general education aide assigned to Sisenglath's fourth grade classroom during the 2025-2026 school year. He supported Sisenglath's classroom from the start of the school day until noon, and then a different aide supported the classroom for the remainder of the school day. McCoin testified that he interacted with Student daily in the classroom and on the playground. He explained that he interacted with Student multiple times per day, but that he also interacted with all students in the classroom multiple times per day.

McCoin explained that Student had never caused physical injury to any peers per his observations of Student's behaviors during the 2025-2026 school year. McCoin also admitted that Student's negative behaviors had reduced recently.

Aside from generally supporting teacher Sisenglath, McCoin was also responsible for tracking behavior data. One such example was what staff called the "call out" log. This document reflected times that Student spoke or shouted out of turn in the classroom. The call out log began on November 5, 2025, and went through March 6, 2026. The call outs were divided into "academic call outs" and "non academic call outs." However, the form did not describe how those two types of comments were distinguished or categorized until the form was updated with definitions for each category on January 20, 2026.

Like several other documents created by Rocklin staff, the call out log was problematic. For example, the call out log was inconsistent with Student's IEP progress reports from similar time periods. For instance, Student's operative IEP in November 2025 included a behavior goal that addressed Student's comments, gestures, and inappropriate behaviors in social and academic settings. The progress report for this goal, dated November 19, 2025, indicated that Student engaged in six occurrences of

non-academic inappropriate comments over the previous two weeks. However, the call out log reflected at least 18 such incidents over the same period. This inconsistency casts further doubt over the accuracy and reliability of Rocklin's documentation.

McCoin testified about a behavior incident dated December 5, 2025, documented as a major discipline incident in the discipline report. The discipline report indicated that Student "engaged in wrestling over a cinnamon roll with a friend." However, McCoin, who observed the incident, explained that Student wrapped his arms around his friend to reach for a cinnamon roll after the peer indicated that he no longer wanted it. Again, Rocklin's reporting of Student's behavior was exaggerated and not reliable.

McCoin also testified about an incident on the playground on December 9, 2025. Student and another peer were playing a game when Student engaged in a "wrestling type move" with the other student. McCoin intervened with verbal prompts and did not require physical intervention to stop the behavior. McCoin then told Student that this type of behavior was not appropriate for school. McCoin was apparently effective, because Rocklin did not prove that Student again engaged in this behavior.

McCoin's testimony was not consistently persuasive. At the start of his testimony, McCoin described Student's behaviors as generally mild, mostly disruptive behaviors. His demeanor showed that he did not believe Student's behaviors were concerning.

However, after significant prompting and repeated, often leading, questions from Rocklin's counsel, McCoin began to describe Student's behaviors as more significant. These points in McCoin's testimony were less persuasive.

McCoin also testified in general and broad terms. For example, McCoin testified that Student could make physical contact with other peers multiple times per day. However, as used by McCoin, the term "physical contact" included any form of unwanted touching, regardless of type of contact, force used, or other meaningful descriptive information.

McCoin's testimony was also negatively impacted by his incomplete memory. He repeatedly indicated that he did not remember in response to questions. He then would seemingly guess or estimate if he nevertheless provided an answer to the question. Finally, Rocklin solicited large portions of McCoin's testimony through leading questions, further reducing its persuasiveness. Overall, McCoin's testimony was accorded discounted weight.

Rocklin staff repeatedly asserted that Student's behaviors put others at risk of emotional harm or discomfort. Rocklin failed to provide persuasive legal authority that special education law considers emotional harm relevant to removing a student to an interim alternative educational setting. Rather, the IDEA focuses on physical harm when considering whether to remove a child to an interim alternative educational setting. (See e.g. 20 U.S.C. § 1415(k)(1)(G)(iii) [allowing immediate removal when a student has inflicted serious bodily injury upon another person].)

Overall, Rocklin failed to prove that Student's behaviors rose to the level that they justified removal to an interim alternative educational setting. Rocklin's attempts to recharacterize or inflate Student's disruptive behaviors were not persuasive. Although Rocklin failed to meet its burden, that is not to say that Student does not currently have behaviors that negatively affect his learning and the learning of others. This Decision

makes no findings as to what Student requires to receive a free appropriate public education. Nevertheless, Rocklin failed to meet its burden that maintaining Student's current placement is substantially likely to result in injury to himself or others.

## ISSUE 2: IS ROCKLIN ACADEMY'S GENERAL EDUCATION CLASSROOM WITH ONE-TO-ONE AIDE SUPPORT AND BEHAVIOR INTERVENTION PLAN AN APPROPRIATE INTERIM ALTERNATIVE EDUCATIONAL SETTING?

Rocklin contends that Student's current classroom with the addition of a dedicated one-to-one aide, supervised by a board certified behavior analyst for three hours per month, and the behavior intervention plan proposed in the January 2026 IEP represent an appropriate interim alternative educational setting.

Student contends that Rocklin did not prove that he required an interim alternative educational setting, and that the proposed interim alternative educational setting was not appropriate.

If the ALJ determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the ALJ may order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days. (20 U.S.C. § 1415(k)(3)(B)(ii)(II); 34 C.F.R. § 300.532(b)(2)(ii).)

If ordered, the interim alternative educational setting must enable the child to continue to participate in the general education curriculum as appropriate, and to progress toward meeting the goals set out in the child's IEP. (20 U.S.C. § 1415(k)(1)(D)(i); 34 C.F.R. § 300.530(d).) The interim alternative educational setting must also enable

the child to receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications that are designed to address the problem behavior so that it does not recur. (34 C.F.R. § 300.530(d)(1)(ii).) The IDEA does not require that a school district place a student in the interim alternative educational setting parents prefer. (*Adams v. State of Oregon* (9th Cir. 1999) 195 F.3d 1141, 1149.)

Rocklin failed to meet its burden of proving that maintaining Student's current placement was substantially likely to result in his injury or injury to others. Even if Rocklin had met its burden, Rocklin's proposed interim alternative educational setting was not appropriate, because it was not an alternative setting and not adequately designed to address the problem behavior so that it does not recur.

#### ROCKLIN'S PROPOSED INTERIM ALTERNATIVE EDUCATIONAL SETTING IS NOT AN ALTERNATIVE SETTING

As an interim alternative educational setting, Rocklin proposed keeping Student in the same general education classroom at Rocklin with the addition of a full day one-to-one aide, supervised by a board certified behavior analyst for three hours per month, and the proposed behavior intervention plan. Even if this setting was appropriate, which this Decision does not find, it does not constitute an alternative setting.

Student currently attends the fourth grade general education classroom Rocklin seeks as an interim alternative educational setting. Regardless of the additional services Rocklin seeks to implement, Student's location would not change. However, special education law contemplates that a student placed in an interim alternative educational setting will be removed from their current placement and moved to a different location. (20 U.S.C. § 1415(k)(1)(B) ["School personnel under this subsection may remove a child

with a disability ... from their current placement to an appropriate interim alternative educational setting ...”]; see also 20 U.S.C. § 1415(k)(1)(G) [“School personnel may remove a student to an interim alternative educational setting ...”].) California’s definition of educational placement does not alter this analysis, because the terms placement and setting are not interchangeable. (Cal. Code Regs., tit. 5 § 3042, subd. (a).)

Rocklin’s proposed interim alternative educational setting keeps Student in the same general education classroom, and would not remove Student to a different setting. Accordingly, Rocklin’s proposed interim alternative educational setting, by definition, is not an alternative setting, and is therefore not appropriate.

**ROCKLIN’S PROPOSED INTERIM ALTERNATIVE EDUCATIONAL  
SETTING IS NOT ADEQUATELY DESIGNED TO ADDRESS THE  
PROBLEM BEHAVIOR SO THAT IT DOES NOT RECUR**

Even if maintaining Student’s general education classroom placement and adding a one-to-one aide, supervised by a board certified behavior analyst for three hours per month, and the proposed behavior intervention plan to the general education setting was a potential alternative setting under special education law, Rocklin’s proposed interim alternative educational setting is not appropriate. The proposed interim alternative educational setting is not adequately designed to support Student such that his behaviors do not recur.

None of Rocklin’s witnesses established that they understood the legal standard for an interim alternative educational setting to be appropriate, or that Rocklin’s proposed interim alternative educational setting met that standard. Moreover, Rocklin’s witnesses

provided conflicting testimony that the current support Student received from the general classroom aide meaningfully helped address Student's behavior difficulties but was simultaneously deficient in doing so.

Separately, Rocklin's behavior specialist Burns acknowledged that Student required direct behavior services from a behavior specialist to address his behavior difficulties. Student's current IEP included 30 minutes per week of those services, but Burns candidly admitted that she regularly provided Student at least an additional hour per week of direct behavior services. Student still demonstrated problematic behaviors even with this increased level of direct behavior service from Burns. This outcome suggests that Student required a higher level of direct behavior service than was included in his IEP, or the offered January 15, 2026 IEP.

Rocklin's proposed interim alternative educational setting does not include these additional direct behavior services. Therefore, Rocklin's proposed interim alternative educational setting does not include services designed to address Student's behaviors such that they do not recur. Accordingly, even assuming that Rocklin's proposed interim alternative educational setting is a potential alternative setting under special education law, it is not appropriate.

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## 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:

Maintaining Student's placement at Rocklin Academy Gateway is not substantially likely to result in injury to Student or others.

Student prevailed on Issue 1.

### ISSUE 2:

Rocklin's proposed placement in the general education classroom with a one-to-one aide, supervised by a board certified behavior analyst for three hours per month, and the proposed behavior intervention plan is not an appropriate interim alternative educational setting.

Student prevailed on Issue 2.

## ORDER

1. Rocklin did not prevail on any issues.
2. All of Rocklin's requested relief is 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.

Ashok Pathi

Administrative Law Judge

Office of Administrative Hearings