

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

PARENT ON BEHALF OF STUDENT,

v.

UKIAH UNIFIED SCHOOL DISTRICT.

CASE NO. 2026040469

EXPEDITED DECISION

May 11, 2026

On April 6, 2026, the Office of Administrative Hearings, called OAH, received a due process hearing request from Student, naming Ukiah Unified School District, called Ukiah. The complaint contained expedited and non-expedited hearing claims. OAH 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 Ted Mann heard this matter by videoconference on April 28, 2026. The Administrative Law Judge is called ALJ.

Student's Mother, called Parent, represented Student as a self-represented party. Student's advocate also attended the one-day hearing on Student's behalf. Attorney Jennifer E. Nix represented Ukiah. Ukiah's special education director, Lydia Colvig, attended the one-day hearing on Ukiah's behalf.

On April 28, 2026, the sole day of hearing, the record was closed, and the matter submitted for decision. The ALJ allowed the parties to file closing arguments by May 1, 2026, by 5:00 PM, but did not continue the matter. Student and Ukiah both filed timely closing arguments.

## EXPEDITED ISSUES

At the prehearing conference, the prehearing conference ALJ rephrased and clarified with the parties issues as stated in both Student's and Ukiah's prehearing conference statement, as allowed by the holdings in *J.W. v. Fresno Unified School Dist.* (9th Cir. 2010) 626 F.3d 431, 442-443, and *Ford v. Long Beach Unified School Dist.* (9th Cir. 2002) 291 F.3d 1086, 1090. (But see *M.C. v. Antelope Valley Union High School Dist.* (9th Cir. 2017) 858 F.3d 1189, 1196, fn. 2 [dictum].) No change in substance was made.

In response to Ukiah's objection to the restatement of issues, filed April 27, 2026, and Student's response thereto, further discussions were held regarding the phrasing of the issues at the beginning of the hearing. The issues as phrased by the ALJ in the prehearing conference order were retained as written.

1. Did Ukiah impermissibly fail to convene a manifestation determination review following Student's suspension on March 11, 2026?

2. Did Ukiah fail to acknowledge or document Parent's request for a manifestation determination review following Student's suspension on March 11, 2026?

## 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. (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 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 seven years old and in the second grade at the time of the hearing. Student resided within Ukiah's geographic boundaries at all relevant times. Student was eligible for special education at the time of the March 11, 2026 incident giving rise to Student's hearing request.

### ISSUE 1: DID UKIAH IMPERMISSIBLY FAIL TO CONVENE A MANIFESTATION DETERMINATION REVIEW FOLLOWING STUDENT'S SUSPENSION ON MARCH 11, 2026?

Student contends that they were suspended for behavior that was a manifestation of Student's disability and that such a suspension required Ukiah to hold a manifestation determination review of the incident.

Ukiah contends that the two-day suspension of Student did not trigger any legal requirement that the district conduct a manifestation determination review of the incident.

If a student with a disability violates a code of student conduct, "school personnel" may remove the student from their educational placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days, without providing services, 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 United States 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, defined as excluding the child from part or all of the school day.

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.)

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 attended second grade at Ukiah during the 2025-2026 school year. Both Student's assertive discipline record and attendance record for the school year show that Student was suspended for a total of two days that year: Wednesday, March 11, 2026 and Thursday, March 12, 2026, consistent with the suspension for the March 11, 2026 incident. Student's suspension was for a violation of the student code of conduct

for students within the district. Student was alleged to have willfully used force or violence upon the person of another when Student threw a cushion at the teacher and later used their legs to push the classroom door into the teacher's back.

The district notified Student's parents of the suspension in a letter to parents, dated March 11, 2026, from the school's principal, Jessica Hernandez. The letter was attached to an e-mail sent to Student's parents at 2:21 PM on March 11, 2026. The suspension letter constituted notice of a disciplinary removal of Student. At hearing, Parent did not dispute that they had received the e-mail with the attached suspension correspondence.

As explained above, a disciplinary removal or change of placement for more than 10 school days of a student eligible for special education requires a district to conduct a manifestation determination review. Here, the removal was for two days, well below the threshold to trigger a manifestation determination review. Parent offered no evidence at hearing that the suspension was for other than two days, nor that there was any other legal requirement identified by Student that obligated the district to hold a manifestation determination review for a two-day suspension. As such, there is no basis to find that the district was required to hold and failed to hold a manifestation determination review following Student's suspension.

Student did not meet their burden of proof on this issue. Ukiah prevailed on Issue 1.

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## ISSUE 2: DID UKIAH FAIL TO ACKNOWLEDGE OR DOCUMENT PARENT'S REQUEST FOR A MANIFESTATION DETERMINATION REVIEW FOLLOWING STUDENT'S SUSPENSION ON MARCH 11, 2026?

Student contends that Ukiah had a legal obligation to acknowledge or document Student's multiple requests for Ukiah to hold a manifestation determination review of the incident. Student also contends that Ukiah failed to sufficiently acknowledge or document Student's multiple requests for Ukiah to hold a manifestation determination review of the incident.

Ukiah contends that the district both acknowledged and documented Student's multiple requests for Ukiah to hold a manifestation determination review of the incident. Ukiah also contends that it had no obligation to document Parent's requests to Ukiah for a manifestation determination review or to provide procedural safeguards to Parent under such circumstances.

The IDEA requires prior written notice be given to parents before the district proposes or refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE to the child. (34 C.F.R. Section 300.503(a).) There is no parallel requirement that prior written notice be given by a district when a parent requests an IEP team meeting or a manifestation determination review.

Procedural safeguards are required to be given only once per year to parents, with several enumerated exceptions, including in accordance with discipline procedures in Section 300.530(h). (34 C.F.R. Section 300.504(a).) A district is required to provide

procedural safeguards to parents in the event of a triggering change of placement of a student of more than 10 school days for a violation for a code of student conduct. (34 C.F.R. Section 300.530(h).)

Parent spoke to Principal Hernandez on March 11, 2026, following the incident that had occurred earlier that day. During the telephone discussion, Parent requested that Hernandez hold a manifestation determination review of the incident. Hernandez did not address that issue with Parent, primarily because as a first year school principal, she was unfamiliar with the manifestation determination review process. Hernandez promptly contacted Lydia Colvig, Ukiah's special education director, to discuss the incident and whether there was a need for a manifestation determination review.

Parent wrote to Hernandez and the "IEP Team" by e-mail on March 11, 2026, at 2:42 PM, to request an immediate IEP team meeting, asserting that Ukiah had failed to implement the behavior implementation plan and that failure led to the incident. At 3:24 PM that same day, Colvig wrote to Parent indicating that Ukiah would prioritize Parent's request for an IEP team meeting and aim to schedule one within the week.

Parent e-mailed back to Colvig at 3:46 PM, requesting that the proposed IEP team meeting be held no later than Thursday, March 19, 2026. The following morning, March 12, 2026, at 9:18 AM, Colvig e-mailed Parent proposing that the requested IEP team meeting be held on Wednesday, March 18, 2026, from 2:30 to 3:30 PM. Colvig's e-mail to Parent included an IEP invitation and IEP team meeting notice, along with a notice of procedural safeguards for Parent. At hearing Parent acknowledged receipt of both attachments. Parent responded later that morning at 10:40 AM, accepting the IEP date proposed by Colvig.

On Friday, March 13, 2026, at 4:14 PM, Parent wrote to Colvig, attempting to clarify that the IEP team meeting on March 18th be held as a manifestation determination review. Colvig responded to Parent on Monday, March 16, 2026, at 11:14 AM, explaining that the meeting was an IEP team meeting, not a manifestation determination review. Colvig further explained that a manifestation determination review was only required to be held if a change of placement occurred, and a two-day suspension did not meet that standard. Parent wrote back to Colvig at 11:21 AM, asserting that a parent had a separate right to request a manifestation determination review, even if the district was not required to conduct one. On Tuesday, March 17, 2026, at 8:00 AM, Colvig again advised Parent that Ukiah was not required to hold a manifestation determination review and did not intend to do so.

On March 17, at 8:42 AM, Parent again wrote to Colvig insisting that Parent was not prohibited from requesting a manifestation determination review. Parent also claimed that there was no requirement that a disciplinary removal exceed 10 days before a manifestation determination review could be requested.

Colvig responded to Parent on March 18, at 8:47 AM and 9:36 AM, acknowledging Parent's request and once again indicating that no manifestation determination review would be held under the circumstances. Colvig also notified Parent that Ukiah would follow up on its decision regarding the manifestation determination review with prior written notice of the decision within the required time. At 8:55 AM, Colvig also forwarded a Google Meet invitation and an IEP team meeting agenda to Parent for the March 18, 2026 IEP team meeting scheduled for that afternoon.

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Parent continued her e-mail campaign by again writing back to Colvig on March 18, 2026, at 9:50 AM, asserting that Ukiah's refusal to hold a manifestation determination review was a violation of parent procedural safeguards.

Parent wrote again to Colvig on March 18, at 12:26 PM, further complaining about Ukiah's refusal to hold a manifestation determination review. Colvig responded to Parent at 12:46 PM, reiterating that Ukiah was not required to hold a manifestation determination review and did not intend to do so. Parent further responded to Colvig at 12:57 PM, continuing to press her argument over holding a manifestation determination review.

The IEP team meeting was held as scheduled on March 18, 2026. Both Parent and Parent's Advocate attended the meeting. Ukiah offered Parent procedural safeguards at the meeting. Parent's Advocate read a written statement arguing that Parent had requested a manifestation determination review, not an IEP team meeting, and disagreeing with the process. Colvig responded that Ukiah was not required to hold a manifestation determination review and would further respond to Parent through a prior written notice.

On March 27, 2026, at 5:03 PM, Colvig e-mailed Parent correspondence with attachments including: Ukiah's prior written notice letter to Parent, a copy of the Amendment IEP of March 18, 2026, and notice of parental rights. At hearing, Parent did not dispute that they received the prior written notice and other attachments.

Parent did not meet their burden of proof at hearing that Ukiah was required to acknowledge or document Parent's request for a manifestation determination review following Student's March 11, 2026 suspension. Even without Ukiah having any

requirement to do so, the evidence demonstrated that Ukiah acknowledged and documented Parent's request for a manifestation determination review meeting continually and in multiple ways, including by sending prior written notice.

Parent did not present any legal basis for their contention that Ukiah had a duty to acknowledge or document Parent's request for a manifestation determination review following the incident. Parent also failed to present either testimony or exhibits to support their contention that Ukiah failed to acknowledge or document Parent's request for a manifestation determination review following the incident.

To the contrary, Ukiah presented both testimony and documentary evidence supporting Ukiah's contention that district thoroughly acknowledged and documented Parent's many, many requests for a manifestation determination review following the incident. Additionally, Ukiah, in an abundance of caution, also provided Parent with a legally compliant prior written notice following the March 18, 2026 IEP team meeting. In short, Parent's claim is unsupported by law or fact and fails on that basis.

Ukiah prevailed on Issue 2.

## 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.

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### EXPEDITED ISSUE 1:

Ukiah did not impermissibly fail to convene a manifestation determination review following Student's suspension on March 11, 2026.

Ukiah prevailed on Expedited Issue 1.

### EXPEDITED ISSUE 2:

Ukiah did not fail to acknowledge or document Parent's request for a manifestation determination review following Student's suspension on March 11, 2026.

Ukiah prevailed on Expedited Issue 2.

### 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.

Ted Mann  
Administrative Law Judge  
Office of Administrative Hearings