

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

CASE NO. 2025120006

NON-EXPEDITED DECISION

JUNE 29, 2026

On February 10, 2026, the Office of Administrative Hearings, called OAH, granted the second amendment of Student's due process complaint naming Los Angeles Unified School District as respondent. On March 17, 2026, OAH granted continuance of the non-expedited portion of the hearing. Administrative Law Judge Claire Yazigi heard the non-expedited portion of this matter virtually on April 21, April 22, April 23, April 27, April 28, April 29, April 30, May 5, and May 6, 2026.

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Parent represented Student and held educational rights for Student who had reached the age of majority at the time of hearing. Parent attended all hearing days on Student's behalf. Donald Erwin represented Los Angeles Unified School District. Either Erika Garcia, Michelle Davis, or Ricardo Toland attended all hearing days on Los Angeles's behalf.

At the parties' request, the matter was continued to June 1, 2026, for written closing briefs. The record was closed, and the matter was submitted on June 1, 2026.

STUDENT'S LATER FILINGS AND LOS ANGELES'S MOTION TO STRIKE

On the last day of hearing, the undersigned ordered that closing briefs be double spaced and consist of no smaller than 12-point font, and be no longer than 30 pages, not including tables of contents and any appendices of cases or statutes cited. The parties filed their closing briefs on June 1, 2026. The body of Student's closing brief consisted of 30 pages, beginning on page 11 of the document and ending on page 41. The brief also, however, included appendices A through G, which consisted of various additional exhibits, legal argument, and a declaration by Parent, all in support of Student's remedies requests. On June 2, 2026, Student filed a corrected Parent declaration.

On June 4, 2026, Los Angeles moved to strike two of the appendices to Student's closing brief, specifically, Appendix A, a written statement by Parent regarding residential treatment center cost per day, and Appendix G, Parent's declaration regarding remedies. Los Angeles's motion did not address the corrected Parent declaration filed on June 2, 2026. It is unclear whether this occurred because Los Angeles's motion to strike and Parent's amended declaration crossed paths during the filing and service process.

Los Angeles argued that the two appendices should be stricken because they were submitted after close of the evidentiary record and after the matter was submitted. Los Angeles argued that otherwise, Los Angeles would be denied the due process right to present evidence, confront and cross-examine witnesses, and submit rebuttal evidence.

On June 9, 2026, Student filed an opposition to Los Angeles's motion to strike. The pleading included additional argument regarding Student's remedies requests, and included an additional exhibit. Separately, after the close of business on June 9, 2026, Student also filed four additional exhibits, A – D.

Student's filings directly violate OAH's April 14, 2026, Order Following Prehearing Conference in the non-expedited matter, which states:

"Any party seeking reimbursement for expenditures shall present admissible evidence of these expenditures, or a stipulation to the amount of the expenditures. A party seeking compensatory education should provide evidence regarding the type, amount, duration, and need for any requested compensatory education. Documents offered as evidence to support a request for reimbursement must be separated by vendor."

This order was also included in the February 27, 2026 Order Following Prehearing Conference in the expedited matter. The Orders Following Prehearing Conference also ordered that the parties serve their exhibits on each other in compliance with Education Code section 56505, subdivision (e)(7), specifically, no later than five business days before the first day of hearing.

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Student's filings constitute an impermissible attempt to circumvent evidentiary rules and OAH orders regarding presentation of evidence and closing brief page limit. The following will not be considered, and are stricken from the administrative record:

- Appendices A – G to Student's closing brief;
- Student's June 2, 2026 corrected Parent declaration;
- The exhibit attached to Student's June 9, 2026 opposition to the motion to strike;
- Any portion of Student's June 9, 2026 opposition to the motion to strike that does not directly address the motion to strike; and
- Exhibits A-D filed after close of business hours on June 9, 2026.

ISSUES

1. Did Los Angeles deny Student a FAPE from November 24, 2023, through the remainder of the 2023-2024 school year by failing to:
 - a. Conduct the following assessments:
 - autism,
 - post-traumatic stress disorder,
 - traumatic brain injury, and
 - other health impairment components of the psychoeducational assessment,
 - functional behavior,
 - occupational therapy,

- recreation therapy, and
- assistive technology
- b. Accurately identify Student's present levels of performance in all areas;
- c. Of the goals offered, offer goals that were appropriate;
- d. Offer the following appropriate accommodations:
 - occupational therapy accommodations recommended in the Fall 2025 assessment report;
 - accommodations listed in the September 2023 psychoeducational assessment report;
 - accommodations listed in the September 2024 recreational therapy assessment report;
- e. Offer appropriate services in
 - assistive technology;
 - behavior;
 - academic counseling;
 - career counseling;
 - mental health counseling;
 - occupational therapy;
 - recreational therapy; and
 - transitional services;

- f. Offer appropriate supports in:
 - academics;
 - behavior;
 - emotion;
 - health and safety;
 - mental health;
 - and social skills;
- g. Offer a safety plan;
- h. Offer physical supervision of Student;
- i. Offer an appropriate behavior plan;
- j. Offer an appropriate placement, specifically, one with: no tall buildings, a safe school environment, and one that addressed bullying, in the least restrictive environment;
- k. Implement:
 - academic, behavior, communication, and social/emotional goals;
 - assistive technology, break, computer, and music accommodations;
 - academic, career, mental health, occupational therapy, recreational therapy, and transition services;
 - supports in academics, behavior, emotion, health and safety, mental health, and social skills;

- l. Have required IEP team members at the January 10, 2024, January 18, 2024, February 22, 2024 IEP team meetings, specifically:
- assistive technology specialist;
 - educationally related intensive counseling services counselor (for the January 10, 2024, and January 18, 2024 meetings);
 - general education teacher;
 - inclusion specialist;
 - non-public school representative;
 - occupational therapist;
 - recreational therapist;
 - residential treatment center representative;
 - special education teacher;
 - school psychologist (for the February 22, 2024 meeting);
- m. Ensure meaningful Parental participation at the January 10, 2024, January 18, 2024, February 22, 2024 IEP team meetings; and
- n. Offer placement that was not predetermined at the January 10, 2024, January 18, 2024, February 22, 2024 IEP team meetings?

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2. Did Los Angeles deny Student a FAPE for the 2024-2025 school year by failing to:
 - a. Conduct the following assessments:
 - autism, post-traumatic stress disorder, traumatic brain injury, and other health impairment components of the psychoeducational assessment;
 - functional behavior;
 - occupational therapy;
 - recreation therapy;
 - assistive technology
 - b. Accurately identify Student's present levels of performance in all areas;
 - c. Of the goals offered, offer goals that were appropriate;
 - d. Offer the following appropriate accommodations:
 - occupational therapy accommodations recommended in the Fall 2025 assessment report;
 - accommodations listed in the September 2023 psychoeducational report;
 - accommodations listed in the September 2024 recreational therapy assessment report;

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- e. Offer appropriate services in
 - assistive technology,
 - behavior,
 - academic counseling,
 - career counseling,
 - mental health counseling,
 - occupational therapy,
 - recreational therapy, and
 - transitional services;
- f. Offer appropriate supports in
 - academics,
 - behavior,
 - emotion,
 - health and safety,
 - mental health, and
 - social skills;
- g. Offer a safety plan;
- h. Offer physical supervision of Student
- i. Offer an appropriate behavior plan;

- j. Offer an appropriate placement, specifically, one with: no tall buildings, a safe school environment, and one that addressed bullying, in the least restrictive environment;
- k. Implement:
 - academic, behavior, communication, and social/emotional goals;
 - assistive technology, break, computer, and music accommodations;
 - academic, career, mental health, occupational therapy, recreational therapy, and transition services;
 - supports in academics, behavior, emotion, health and safety, mental health, and social skills;
- l. Have required IEP team members at the August 20, 2024, September 24, 2024, October 7, 2024, December 12, 2024, February 4, 2025, and April 22, 2025 IEP team meetings, specifically:
 - assistive technology specialist;
 - educationally related intensive counseling services counselor (at the August 20, 2024, meeting);
 - general education teacher;
 - inclusion specialist;
 - non-public school representative;
 - occupational therapist;

- recreational therapist;
 - residential treatment center representative;
 - special education teacher;
 - school psychologist;
- m. Ensure meaningful Parental participation at the August 20, 2024, September 24, 2024, October 7, 2024, December 12, 2024, February 4, 2025, and April 22, 2025 IEP team meetings; and
- n. Offer placement that was not predetermined at the August 20, 2024, September 24, 2024, October 7, 2024, December 12, 2024, February 4, 2025, and April 22, 2025 IEP team meetings, and on June 13, 2025?
3. Did Los Angeles deny Student a FAPE from the beginning of the 2025-2026 school year through February 10, 2026, by failing to:
- a. Conduct the following assessments:
- Autism,
 - post-traumatic stress disorder,
 - traumatic brain injury, and
 - other health impairment components of the psychoeducational assessment;
 - functional behavior;
 - occupational therapy;

- recreation therapy;
- assistive technology;
- b. Accurately identify Student's present levels of performance in all areas;
- c. Of the goals offered, offer goals that were appropriate;
- d. Offer the following appropriate accommodations:
 - occupational therapy accommodations recommended in the Fall 2025 assessment report;
 - accommodations listed in the September 2023 psychoeducational assessment report;
 - accommodations listed in the September 2024 recreational therapy assessment report;
- e. Offer appropriate services in
 - assistive technology;
 - Behavior;
 - academic counseling;
 - career counseling;
 - mental health counseling;
 - occupational therapy;
 - recreational therapy; and
 - transitional services;

- f. Offer appropriate supports in
 - Academics;
 - Behavior;
 - emotion;
 - health and safety;
 - mental health; and
 - social skills;
- g. Offer a safety plan;
- h. Offer physical supervision of Student;
- i. Offer an appropriate behavior plan;
- j. Offer an appropriate placement, specifically, one with: no tall buildings, a safe school environment, and one that addressed bullying, in the least restrictive environment;
- k. Implement:
 - academic, behavior, communication, and social/emotional goals;
 - assistive technology, break, computer, and music accommodations;
 - academic, career, mental health, occupational therapy, recreational therapy, and transition services;
 - supports in academics, behavior, emotion, health and safety, mental health, and social skills;

- l. Have required IEP team members at the August 12, 2025, September 5, 2025, October 30, 2025, November 17, 2025, and February 7, 2026 IEP team meetings, specifically:
- assistive technology specialist;
 - general education teacher;
 - inclusion specialist;
 - non-public school representative;
 - occupational therapist;
 - recreational therapist
 - residential treatment center representative;
 - special education teacher;
 - school psychologist
- m. Ensure meaningful Parental participation at the August 12, 2025, September 5, 2025, October 30, 2025, November 17, 2025, and February 7, 2026 IEP team meetings; and
- n. Offer placement that was not predetermined at the August 12, 2025, September 5, 2025, October 30, 2025, November 17, 2025, and February 7, 2026 IEP team meetings?

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JURISDICTION

This hearing was held under the Individuals with Disabilities Education Act, 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 Individuals with Disabilities Education Act, referred to as 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).)

The IDEA affords parents and local educational agencies the procedural protection of an impartial due process hearing with respect to any matter relating to the identification, assessment, or educational placement of the child, or the provision of a free appropriate public education, referred to as FAPE, to the child. (20 U.S.C. § 1415(b)(6) & (f); 34 C.F.R. § 300.511; Ed. Code, §§ 56501, 56502, and 56505; Cal. Code Regs., tit. 5, § 3082.) The party requesting the hearing is limited to the issues alleged in the complaint, unless the other party consents, and has the burden of proof by a preponderance of the evidence. (20 U.S.C. § 1415(f)(3)(B); Ed. Code, § 56502, subd. (i); *Schaffer v. Weast* (2005) 546 U.S. 49, 57-58, 62 [126 S.Ct. 528, 163 L.Ed.2d 387]; and see 20 U.S.C. § 1415(i)(2)(C)(iii).) Student bore the burden of proof by a preponderance of

the evidence. The factual statements in this Decision constitute the written findings of fact required by the IDEA and state law. (20 U.S.C. § 1415(h)(4); Ed. Code, § 56505, subd. (e)(5).)

Student was 18 years old at the time of hearing. Student resided within Los Angeles's geographic boundaries at all relevant times. At the close of the statutory period, Student's most recent eligibility for special education was under the category of Autism, and his most recent placement was in independent studies.

CONTEXTUAL BACKGROUND AND IMPACT OF PRIOR OAH DECISION

Typically, OAH decisions address contentions issue by issue, and in chronological school year order. Several characteristics of the present case, however, require a different approach. First, Student was in residential treatment facilities for a significant portion of the period of time to be litigated, which followed a year-round schedule and did not follow a traditional fall-to-spring school year calendar.

Additionally, a prior case was litigated and a Decision issued in OAH Case No. 2023100526. Although several issues pled are the same, on their face, they are for different time periods. However, findings in that Decision encompass a portion of the time at issue in this case and thus are binding in the present case.

Both parties acknowledged the existence of the prior Decision at hearing. Los Angeles included a copy of the Decision as part of its exhibits in the present hearing, but ultimately did not request that it be admitted into evidence. Under the California Administrative Procedures Act, an Administrative Law Judge, in making a

decision, may take official notice of any fact which may be judicially noticed by the courts of this state, including official executive acts of the state. (Gov. Code, § 11551; Evid. Code § 452, subd. (c).).

Official notice is taken of OAH's Decision in Case No. 2023100526, dated June 28, 2024, involving Parent on behalf of Student versus Los Angeles. Neither party was alleged to have appealed that Decision, thus its factual findings and legal conclusions were undisturbed.

Issues already adjudicated are conclusive between the parties litigating "for the same thing under the same title and in the same capacity." (Code of Civ. Proc., § 1908, subd. (a)(2).) Collateral estoppel (issue preclusion) and res judicata (claim preclusion) are applicable to decisions rendered in administrative cases, as long as:

- the issue to be precluded is identical to that decided in the prior proceeding;
- the issue was actually litigated at that time;
- the issue was necessarily decided;
- the decision in the prior proceeding was final and on the merits;
- and
- the parties in the present case must be in privity with the parties to the former proceeding. (*People v. Garcia* (2006) 39 Cal.4th 1070, at pp. 1077-1078.)

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The instant case involves identical parties, both of whom had a full opportunity to litigate all issues of the prior case. Likewise, the prior administrative case was a final decision and decided on the merits.

The IEP offer in place from the beginning of the present statutory period, November 24, 2023, to the IEP team meeting on February 22, 2024, was the September 22, 2023 IEP. OAH has already adjudicated Student's FAPE claims in the present case for this period of time and has already issued relief for denials found.

Specifically, in OAH Case No. 2023100526, Administrative Law Judge Linda Dowd found that:

- Los Angeles's placement offer in the September 22, 2023 IEP was Franklin High School.
- The entire IEP team agreed that Franklin High School was not a safe environment for him because of a prior suicide attempt.
- Student required a safety plan to attend Franklin High School, and Los Angeles failed to offer a safety plan.
- Parent could not send Student to school without a safety plan because of his suicidal ideation.
- Student had not attended a day of school at Franklin High School from the beginning of the 2023-2024 school year to February 20, 2024, when he enrolled in a non-public school residential treatment center.

- Los Angeles developed a behavior intervention plan that identified poor attendance as a maladaptive behavior, but did not offer any strategies or services to assist in getting Student to school.
- The September 22, 2023 IEP failed to offer a behavior support goal or a counseling goal that Student could use to return to the classroom when he was not attending school.
- Student's situation did not change between September 22, 2023, and the IEP team meeting on February 22, 2024. Student remained suicidal and required a small therapeutic setting that could address his needs and get him to school.
- Los Angeles should have offered a residential treatment center on September 28, 2023, but did not do so until the IEP team meeting on February 22, 2024. As a result, Student missed out on five months of a therapeutic placement.
- The September 22, 2023 IEP that Los Angeles gave to the residential treatment center contained inappropriate goals and services.
- Los Angeles also failed to offer and provide services to meet Student's occupational therapy needs, in addition to therapeutic counseling, social skills, and behavior.

For this wholesale failure to offer Student an appropriate education from the beginning of the 2023-2024 school year to February 20, 2024, OAH Case No. 2023100526 awarded Student 254 hours of compensatory education and prospective placement at a certified residential treatment center of Parent's choosing. Aside from the failure to assess claims which were not litigated in OAH Case No. 2023100526, all

other issues in the present complaint for this time period have been subsumed by the Decision in OAH Case No. 2023100526. The analysis of whether Los Angeles offered Student an appropriate program, then, begins on February 20, 2024.

ISSUES 1.a., 2.a., AND 3.a.: DID LOS ANGELES DENY STUDENT A FAPE FROM NOVEMBER 24, 2023, THROUGH FEBRUARY 20, 2026, BY FAILING TO ASSESS FOR AUTISM, POST-TRAUMATIC STRESS, TRAUMATIC BRAIN INJURY, OTHER HEALTH IMPAIRMENT, FUNCTIONAL BEHAVIOR, OCCUPATIONAL THERAPY, RECREATION THERAPY, AND ASSISTIVE TECHNOLOGY?

Student contends that while Los Angeles did perform a psychoeducational assessment of Student preceding the beginning of the statutory period, or the period of time to be litigated in the present case, it failed to include components necessary to assess all areas of Student's disability, and should have assessed Student in these additional areas, specifically,

- autism,
- post-traumatic stress,
- traumatic brain injury,
- other health impairment,
- functional behavior,

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- occupational therapy,
- recreation therapy, and
- assistive technology.

Los Angeles contends that it assessed Student in all areas of suspected disability immediately preceding the beginning of the current statutory period, and that no additional assessments were necessary. Further, Los Angeles contends that a functional behavior assessment required a pupil to be in school, and, since Student was not, Los Angeles was prevented from conducting such an assessment.

A FAPE means special education and related services that are available to an eligible child that meets state educational standards at no charge to the parent or guardian. (20 U.S.C. § 1401(9); 34 C.F.R. § 300.17.) Parents and school personnel develop an individualized education program, referred to as an IEP, for an eligible student based upon state law and the IDEA. (20 U.S.C. §§ 1401(14), 1414(d)(1); and see Ed. Code, §§ 56031, 56032, 56341, 56345, subd. (a) and 56363 subd. (a); 34 C.F.R. §§ 300.320, 300.321, and 300.501.)

In general, a child eligible for special education must be provided access to specialized instruction and related services which are individually designed to provide educational benefit through an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. (*Board of Education of the Hendrick Hudson Central School Dist. v. Rowley* (1982) 458 U.S. 176, 201-204; *Endrew F. v. Douglas County Sch. Dist. RE-1* (2017) 580 U.S. 386, 402 [137 S.Ct. 988, 1000].)

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Under the IDEA, only some children with certain disabilities are eligible for special education. (20 U.S.C. § 1401(3)(A); Ed. Code § 56026, subd. (a).) For purposes of special education eligibility, the term “child with a disability” means a child with intellectual disabilities, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services. (20 U.S.C. § 1401(3)(A)(i), (ii); 34 C.F.R. § 300.8(a).) Similarly, California law defines an “individual with exceptional needs” as a pupil who is identified by an IEP team as “a child with a disability” pursuant to 20 U.S.C. section 1401(3)(A), who requires special education due to his or her disability, and instruction and services cannot be provided with modification of the regular school program. (Ed. Code § 56026, subds. (a), (b).)

A district must assess a child in all areas of suspected disability. (20 U.S.C. § 1414(b)(3)(B); Ed. Code, § 56320, subd. (f).) School district evaluations of students with disabilities under the IDEA serve two purposes: identifying students who need specialized instruction and related services because of an IDEA-eligible disability and helping IEP teams identify the special education and related services the student requires. (34 C.F.R. §§ 300.301 and 300.303.)

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FUNCTIONAL BEHAVIOR

California requires that behavioral intervention plans be based on a functional analysis assessment. (Ed. Code, § 56520.) Student has already had an opportunity to adjudicate the issue of whether Los Angeles failed to conduct a functional behavior analysis through December 13, 2023.

In that case, Student failed to prove that Los Angeles failed to assess functional behavior once it conducted the September 22, 2023, psychoeducational assessment, through December 13, 2023, the close of the statutory period covered by the previous complaint.

In the present complaint, Student alleges that Los Angeles failed to conduct a functional behavior analysis from November 24, 2023, through February 10, 2026. This issue has been adjudicated through December 13, 2023, by the previous complaint.

Student did not attend school between the beginning of the present statutory period on November 24, 2023, until his start at Oak Grove on February 20, 2024. Student did not establish that a functional behavior assessment should or could have been conducted during this time. Student did not rebut the IEP team's assertion that a functional behavior assessment and corresponding observations could only be conducted once Student began attending school.

Student began attending Oak Grove, a non-public school residential treatment center, on February 20, 2024. Student renewed his request for a functional behavior analysis at the IEP team meeting on February 22, 2024, and the IEP team agreed that

one would be appropriate. The team offered an independent functional behavior analysis, which could be conducted at the Oak Grove non-public school residential treatment center.

The independent functional behavior assessment was conducted by Dr. Veronica Olvera, Psy. D., and presented at an IEP team meeting on October 7, 2024. Student did not establish that Student requested additional functional behavior assessment through February 10, 2026. Student did not establish that Los Angeles denied Student a FAPE for failing to conduct a functional behavior assessment.

AUTISM

Student alleges that From November 24, 2023, Los Angeles failed to assess Student in Autism. While the September 22, 2023 psychoeducational assessment occurred prior to the beginning of the present statutory period, it is nevertheless instructive in determining whether Los Angeles failed to conduct an Autism assessment from November 24, 2023.

Los Angeles school psychologist Betty White conducted a psychoeducational assessment in September 2023, approximately two months before the present statutory period. Autism was one of the special education eligibility categories White considered. In conducting the assessment, White was aware of Student's Autism diagnosis, and that Student was previously eligible for special education under the category of Autism.

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The evidence established that White did assess for Autism in the September 2023 psychoeducational evaluation. Her assessment included a review of records, interviews, observations, and Autism Spectrum Rating Scales administered to Parent and Student's math teacher from the previous school year. Her report included a conclusion regarding Autism, specifically, that Student did not meet eligibility under Autism due to lack of school attendance, as well as a resulting lack of classroom observations and teacher input. White ultimately recommended special education eligibility under the category of Emotional Disturbance. The validity and legal compliance of the September 2023 psychoeducational assessment is not at issue.

Absent an agreement between a school district and a student's parents, reassessments must not occur more than once a year, or more than three years apart. (20 U.S.C. § 1414 (a)(2)(B); 34 C.F.R. § 300.303(b); Ed. Code, § 56381, subd. (a)(2).)

Absent an agreement with Los Angeles, Student was not entitled to another Autism assessment before the span of one year, or until September 22, 2023. On October 7, 2024, Los Angeles provided for an independent psychoeducational evaluation, which included an Autism assessment component. This independent evaluation was conducted by Dr. Veronica Olvera, Psy. D., who concluded that Student did not qualify for special education under the category of Autism. Student did not introduce evidence that Student requested another district-conducted Autism assessment thereafter.

Student did not establish that Los Angeles denied Student a FAPE for failing to assess him for Autism.

OTHER HEALTH IMPAIRMENT, TRAUMATIC BRAIN INJURY, AND POST-TRAUMATIC STRESS

Student contends that Los Angeles failed to assess him in the areas of Other Health Impairment, Traumatic Brain Injury, and Post-Traumatic Stress. Other Health Impairment and Traumatic Brain Injury are qualifying categories for special education, with post-traumatic stress as one possible type of Other Health Impairment (20 U.S.C. § 1401(3); 300 C.F.R. § 300(8)(c)(9).) Student did not establish that these eligibility categories are also types of stand-alone special education assessments.

Betty White, the school psychologist, assessed areas of potential educationally related need, like sensory processing, executive function, social/emotional functioning, and mental health. Student's special education teacher assessed in academics.

Student did not offer any expert opinion or otherwise establish that additional areas of assessment were needed to address educationally related needs not examined by Los Angeles's psychoeducational assessment. In other words, Student did not establish that the scope of the psychoeducational assessment failed to cover all areas of educationally related need that could arise from traumatic brain injury, post-traumatic stress, or any other health impairment.

Olvera also conducted an independent psychoeducational evaluation on October 7, 2024. Olvera ruled out Traumatic Brain Injury and Other Health Impairment due to Attention-Deficit/Hyperactivity Disorder. Olvera evaluated, among other things, Student's intelligence, phonological processing, achievement, and behavior.

Student did not offer any expert opinion or otherwise establish that additional areas of assessment were needed to address educationally related needs not examined by the scope of the independent psychoeducational evaluation. In other words, Student did not establish that the scope of the psychoeducational assessment was not sufficiently comprehensive as to cover all areas of educationally related need that could arise from traumatic brain injury, post-traumatic stress, or any other health impairment. Student did not prevail on this issue.

ASSISTIVE TECHNOLOGY

Assistive technology service is any service that assists a child with a disability in the selection, acquisition, or use of an assistive technology device. An assistive technology device means any item that is used to increase, maintain, or improve the functional capabilities of a child with a disability. (20 U.S.C. § 1401(1)-(2); 34 C.F.R. §§ 300.5-300.6; Ed. Code, section 56020.5.) Student did not introduce any evidence establishing that an assistive technology assessment would have been appropriate.

Student did not prevail on this issue.

RECREATION THERAPY

The IDEA includes assessment of leisure function, and recreation services, as special education-related services when required to assist a child with a disability to benefit from special education. (20 U.S.C. § 1401(26)(A); 34 C.F.R., § 300.34(b)(11); Ed. Code, section 56363, subds. (a) and (b)(15).) An independent recreational therapy

evaluator evaluated Student and presented findings at a November 17, 2025 IEP team meeting. For the period before then, aside from a general assertion that Los Angeles should have conducted a recreational therapy assessment, Student did not establish a particular need for one or facts to indicate that it was a suspected area of disability. Student also did not establish that Student requested a recreational therapy assessment any time after the November 17, 2025, recreational therapy assessment.

Once a parent requests an assessment, the local educational agency must provide the parent with a written proposed assessment plan within 15 days, or issue a prior written notice that it is refusing the parent's request for assessment. (20 U.S.C. § 1415(c)(1); Ed. Code, section 56321, subd. (a).) From the date the local educational agency receives signed parental consent to the assessment plan, it must complete the assessment and hold an IEP team meeting to discuss the results within 60 days. (Ed. Code, section 56321, subd. (b); Ed. Code, section 56344, subd. (a).)

Parent requested a recreational therapy assessment during the IEP team meeting on Feb 22, 2024, and again at an IEP team meeting on February 4, 2025. Student did not establish, however, that Los Angeles failed to provide Parent with an assessment plan, or that Parent provided Los Angeles with a parentally-signed assessment plan that would trigger a 60-day assessment period.

Student did not prevail on this issue.

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OCCUPATIONAL THERAPY

The previous OAH Decision, published on June 28, 2024, found that Los Angeles failed to conduct an occupational therapy assessment through December 13, 2023, and ordered that Los Angeles do so, citing Student's fine motor deficits that impacted his educational performance. That Decision ordered Los Angeles to fund an independent evaluation within 30 days of the date of that Decision, or by the end of July 2024. [OAH Case No. 2023100526, p. 74 of 75]. The assessment was eventually completed and presented at an IEP team meeting held on November 17, 2025.

Nothing in the record suggests that Student's fine motor deficits had somehow abated from the close of the previous case on December 13, 2023. Rather, the September 24, 2024 IEP present level of performance for written expression reflected that Student still found it laborious to write and preferred to use a word processor for more extensive writing assignments. Parent reiterated the request for an occupational therapy assessment during the IEP team meeting on February 4, 2025, months after ordered in the prior Decision.

An independent occupational therapist ultimately evaluated Student and presented findings at a November 17, 2025 IEP team meeting. The occupational therapy evaluator found that Student did have fine motor need, and the IEP team incorporated this into a fine motor goal in November 2025. Los Angeles failed to provide the independent occupational therapy assessment as ordered in the prior Decision or conduct its own from July 2024 through over a year later until November 17, 2025. Given that Student did have occupational therapy needs, this failure adversely impacted Student's ability to access his education and denied him a FAPE.

ISSUES 1.i., 2.i., 3.i., 1.c., 2.c., AND 3.c.: DID LOS ANGELES DENY STUDENT A FAPE FROM FEBRUARY 20, 2024, THROUGH FEBRUARY 10, 2026, BY FAILING TO OFFER AN APPROPRIATE BEHAVIOR PLAN AND AN APPROPRIATE COUNSELING GOAL?

Student contends that Los Angeles denied him a FAPE by failing to offer a behavior plan that addressed his chronic poor school attendance. Los Angeles contends that it met its obligations to provide an appropriate behavior plan that addressed Student's needs.

Student had a long and documented history of behavior and mental health needs that impacted his ability to attend school. As found in OAH Case No. 2023100526, prior to sixth grade, Student attended a non-public school, which was a specialized private school for students with disabilities. Student had a history of trauma because of prolonged sexual assault at a Los Angeles preschool. As a result of the trauma, Student was diagnosed with post-traumatic stress disorder. [OAH Case. No. 2023100526, p. 13 of 75]. During the 2021-2022 school year, while in eighth grade, Student had behavior incidents including a social media post about bringing a gun to school, pushing another student over a six-foot stairwell ledge, pushing another student into a crosswalk, and running away from school. Additionally, that year Student had 61 full day absences out of 148 days enrolled. Some, but not all absences were attributed to a concussion. [OAH Case No. 2023100526, p. 14 of 75].

Student matriculated to a Los Angeles high school for the 2022-2023 school year, and his behavior incidents continued, including spitting at and using profanity toward peers. [OAH Case No. 2023100526, p. 18 of 75]. During the 2023-2024 school year,

Student attempted suicide by climbing on the roof of his house and attempting to jump off. [OAH Case No. 2023100526, p. 19 of 75]. Thereafter he was evaluated for special education and deemed eligible under the category of emotional disturbance. Student's IEP team determined he had an inability to learn because of his emotional state and significant mental health difficulties. He had an inability to build or maintain satisfactory relationships because of aggressive behaviors. He had inappropriate behaviors under normal circumstances because of

- anxiety,
- somatization,
- suicidal ideation,
- poor emotional regulation, and
- general and pervasive unhappy mood or depression.

[OAH 2023100526, p. 32 of 75]. Additionally, Student's attendance records showed he was struggling to attend class. Student established that Los Angeles's knowledge of Student's traumatic history and diagnosis of post-traumatic stress disorder, coupled with Student's behavior and attendance as far back as the 2021-2022 school year, would have resulted in special education eligibility had an initial IEP team meeting been held. [OAH Case No. 2023100526, p. 33 of 75]. From September 2023 to February 2024, Student remained suicidal and required a small therapeutic setting that could address his mental health needs and "get him to school." [OAH Case No. 2023100526, p. 51 of 75].

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Student's documented and long history of mental health and attendance issues were known to Los Angeles and established via the prior OAH Decision. The evidence presented in this hearing established that those long-standing issues continued. Moreover, despite such knowledge, as discussed more fully below, Los Angeles failed to offer an IEP that addressed Student's school avoidance, whether rooted in behavior or mental health. Instead, Student's IEP teams continued to offer more and more restrictive placements rather than offering an IEP that directly addressed these core needs.

OAK GROVE

From February 20, 2024, to September 21, 2024, Student attended Jack Weaver Oak Grove, a non-public school with a corresponding residential treatment center. One of the reasons the IEP team offered this placement was Student's longstanding school avoidance.

Despite this, Student's tenure at Oak Grove was characterized by chronic absenteeism. Teacher records established that Student arrived at class late most days of the week, and was typically absent entirely during periods one through four, usually arriving at noon, if at all. Irasema Ramos Flores was the Los Angeles special education counselor responsible for providing non-public services support, and communicated with non-public schools and residential treatment centers regularly. Ramos Flores testified that, at Oak Grove, Student would sometimes make it to class at noon, and sometimes not at all. By March 27, 2024, only a month after starting at Oak Grove, Student had already accumulated significant absences. Student's Oak Grove special education teacher told Ramos Flores that she was unable to implement Student's goals

because of his frequent absences. Both parties and all witnesses agreed that Student's significant lack of attendance impeded his access to education and educationally related services.

Despite this pervasive, well-known and documented need, Los Angeles's IEP failed to address Student's school avoidance, either through mental health or behavior support. Student's IEP offered a minimum of 60 minutes weekly of individual counseling, 120 minutes monthly of family counseling, and 100 minutes of weekly group counseling. The evidence established that Student accessed these services at Oak Grove. Student's IEP did not, however, include a goal or service to address attendance.

Los Angeles contends that its offer of Oak Grove addressed all of Student's mental health and emotional needs, since Oak Grove was an educationally related intensive counseling service school. But simply placing Student in a non-public residential treatment center was not sufficient to address Student's school avoidance; Los Angeles's failure to do so proved to be an inherent flaw in the IEP.

The behavior intervention plan presupposed that Student would be in class. Specifically, it sought for Student to regulate his anxiety so that he could participate in class. But school refusal itself was an area of Student's need that stood in the way of Student accessing his education, and Los Angeles did not offer any specific strategies or services to support Student's attendance. This shortcoming proved to be a fatal flaw in Los Angeles's IEP offer; because the IEP did not address Student's school refusal, Student necessarily could not access the program Los Angeles offered.

Los Angeles denied Student a FAPE by failing to offer an appropriate behavior plan or counseling goal to address Student's lack of school attendance.

This deficiency of Student's behavior intervention plan persisted through the IEP team meeting on August 20, 2024. This shortcoming was especially ostensible because, as set forth above, OAH's previous Decision between the parties found that Los Angeles's then-current behavior intervention plan inappropriately failed to offer any strategies or services to assist in getting Student to school, despite poor attendance being the identified behavior in need of a plan. The Decision was published and served on the parties on June 28, 2024, which meant that the parties were in possession of the Decision at the time of the August 20, 2024 IEP team meeting.

Frustrated that Student's needs were not being met, Parent removed Student from Oak Grove on September 21, 2024. The IEP team met on September 24 and October 7, 2024, to consider another placement. Parent requested, and Los Angeles agreed to, placement at Eagle Rock High School.

The IEP team added a behavior intervention goal that targeted impulsive actions, including eloping and running away ("AWOL", on the IEP). At no time during this period, however, did Los Angeles address Student's school attendance on the IEP, and the inherent flaw in the IEP persisted.

Los Angeles denied Student a FAPE by failing to offer an appropriate behavior intervention plan and counseling goal that addressed school avoidance, thus preventing him from accessing his education.

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CASA PACIFICA

Ultimately, Student did not attend any placement until November 19, 2024, when Student was placed at Casa Pacifica, another non-public school residential treatment center, pursuant to informal dispute resolution agreement and in accordance with the Decision in the prior OAH Case.

Student's stay at Casa Pacifica was also characterized by numerous absences. The evidence established that by the December 12, 2024 IEP team meeting, Student was attending school less than 50 percent of the time, spending more time outside of class than in it. The IEP team acknowledged Student's need for structure and support in the area of attendance, and yet the IEP continued to lack any plan to address it. The IEP contained no mechanism to encourage Student's attendance (like a token economy, as one example) no structured timeline to gradually increase Student's school attendance, and offered no other stopgap solution for instructing Student in the meantime (such as having instructors teach him at the residential cottages).

Student's absences were compounded by later hospitalizations in February and March of 2025 due to severe gastrointestinal issues. Student was also hospitalized for an 18-day psychiatric hold from April 1, 2025, to April 18, 2025.

At the time of Student's discharge from Casa Pacifica on May 13, 2025, the discharge notes stated that the school could not provide continuity of services due to Student's extended and ongoing absences. This was corroborated by the testimony of Mark Capritto, the principal of the non-public school component of Casa Pacifica, who established that implementation of Student's IEP was difficult and severely limited because of Student's lack of attendance.

Student alleged, but did not establish through any medical or expert testimony, that the gastrointestinal issues were a psychosomatic response to being physically attacked on two separate occasions by other Casa Pacifica students in December 2024. Regardless of the reason for Student's hospitalization, however, the inherent flaw of the IEP persisted. Even if Student had not been hospitalized, the IEP team never addressed his propensity for school avoidance. The IEP was not reasonably calculated to provide educational benefit because it failed to address his most fundamental and persistent need, specifically, failing to attend school.

Los Angeles continued to deny Student a FAPE by failing to offer an appropriate behavior intervention plan and counseling goal that addressed school avoidance, thus preventing him from accessing his education.

THE LOGAN RIVER AND VIRTUAL ACADEMY PLACEMENT OFFERS

Parent withdrew Student from Casa Pacifica after the end of a psychiatric hold that ended on April 18, 2025. Parent attributed his illness, and resulting hospitalization, to his negative experience at Casa Pacifica.

The IEP team met on April 22, 2025, and Los Angeles offered placement at Logan River Academy, a Utah non-public school residential treatment center. Student rejected the placement at Logan River because it was out of state and instead began attending a Los Angeles virtual academy from home, in a temporary capacity. Los Angeles's placement offer continued to be Logan River until September 5, 2025, when it amended its offer to the independent studies placement at Los Angeles's virtual academy.

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California law defines special education as instruction designed to meet the unique needs of individuals with exceptional needs coupled with related services as needed to enable the student to benefit fully from instruction. (Ed. Code, § 56031.) The “educational benefit” to be provided to a child requiring special education is not limited to addressing the child’s academic needs, but also social and emotional needs that affect academic progress, school behavior, and socialization. (County of San Diego v. California Special Educ. Hearing Office (9th Cir. 1996) 93 F.3d 1458, 1467.) “Related services” are transportation and other developmental, corrective and supportive services as may be required to assist the child in benefiting from special education. (20 U.S.C. § 1401(26).) In California, related services include designated instruction and services, which must be provided if designated instruction may be required to assist the child in benefiting from special education. (Ed. Code, § 56363, subd. (a).)

California special education law and the IDEA require that special education and related services must be designed to meet student’s unique needs and to prepare them for employment and independent living. (20 U.S.C. § 1400(d); Ed. Code, § 56000.) A FAPE consists of special education and related services that are available to the child at no charge to the parent or guardian, meet the standards of the State educational agency, and conform to the student’s IEP. (20 U.S.C. § 1401(9).) “Special education” is defined as “specially designed instruction at no cost to the parents, to meet the unique needs of a child with a disability” (20 U.S.C. § 1401(29).)

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Los Angeles's response to Student's challenges was to offer progressively more restrictive placements, from non-public school residential treatment centers, to an out of state residential treatment center, to placement in a virtual program where Student had the least amount of access to peers. Yet during this progression, Los Angeles never addressed Student's school avoidance.

In offering the virtual program, the IEP simply adapted its placement offer to where the Student was and followed him into his home. The law requires an IEP to prepare Student for employment and independent living, and for life after high school and beyond the confines of his house. At no time during the statutory period did Los Angeles offer an IEP with a tangible plan to address Student's primary school avoidance need that resulted in his lack of attendance, and in doing so, denied Student a FAPE.

A FAPE requires services to be provided "in conformity with" a child's IEP. (20 U.S.C. § 1401(9)(D).) When a student alleges the denial of a FAPE based on the failure to implement an IEP, the student must prove that the failure was material. A material failure to implement an IEP means that the services provided to a disabled child fall "significantly short of the services required by the child's IEP." (*Van Duyn v. Baker School Dist. 5J* (9th Cir. 2007) 502 F.3d 811, 820-822.)

As determined above, Student's tenure was characterized by significant and chronic absenteeism, and lack of either a behavior plan or mental health services to address attendance. Because Student was frequently absent from school, Los Angeles

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failed to materially implement Student's IEP. Los Angeles denied Student a FAPE from February 20, 2024, to February 10, 2026, by failing to offer an appropriate behavior plan and an appropriate counseling goal that addressed student's school avoidance.

Student's unaddressed attendance need is dispositive in this case because it was the gateway to the entirety of Student's education. Regardless of whether the other facets of Student's IEP were appropriate or not, Student's school avoidance prevented him from accessing them, rendering his IEP meaningless. Thus, analyzing the other discrete components of his offered program is unnecessary. Student pled nearly seven pages of issues. This Decision does not reach those claims, because Student established a pervasive and substantive FAPE denial. As discussed more fully in the remedies section, a finding of additional violations would not change the remedies ordered.

ISSUE 1.g., 1.h., 2.g., 2.h., 3.g., AND 3.h.: DID LOS ANGELES DENY STUDENT A FAPE FROM FEBRUARY 20, 2024, TO FEBRUARY 10, 2026, BY FAILING TO OFFER A SAFETY PLAN AND PHYSICAL SUPERVISION OF STUDENT?

Student contends that Los Angeles should have offered a safety plan to address Student's propensity to run away from the residential treatment centers, as well as the physical assaults he experienced while there. Los Angeles contends that Student's safety was addressed through the placement offer and individualized supports, and that a separate safety plan was not required by the IDEA.

Within a couple weeks of arriving at Oak Grove, Student was the subject of two separate physical attacks by another Oak Grove student: one on March 11, 2024, and another on March 13, 2024. These two attacks, standing on their own, were not sufficient to put Los Angeles on notice of a safety need that should be addressed. As

Alysia DeFrancisco, Casa Pacifica therapist, credibly testified, all students at a residential treatment center have significant needs, and some degree of interpersonal conflict is expected.

In addition to the physical altercations, however, were several concerning incidents when Student was able to run away from Oak Grove. Student ran away on June 10, 2024, July 8, 2024, and August 4, 2024. The August 4, 2024, runaway incident was the most concerning, as Student was missing from Oak Grove for more than six hours before law enforcement found him walking down a center highway median at 1:30 AM.

These repeated runaway incidents, when Student was unaccounted for, represent a significant breach in safety. Parent surrendered to Los Angeles the care of a student who had profound social, emotional, and psychological needs, and who was a minor. Veronica Cagigas Espinosa, Los Angeles Non-public Services Support Coordinator, testified that residential treatment centers typically provided Los Angeles notice of runaway incidents. The IEP team discussed Student's runaway incidents at the August 20, 2024 IEP team meeting. By August 20, 2024, the IEP team should have recognized and addressed Student's safety and supervision needs.

Parent also alleges that Student suffered sexual abuse by an Oak Grove staff member during this time, but Parent did not communicate this allegation to Los Angeles until October 2024, after Parent had withdrawn Student from Oak Grove.

An IEP is evaluated in light of information available to the IEP team at the time it was developed; it is not judged in hindsight. (*Adams v. State of Oregon* (9th Cir. 1999) 195 F.3d 1141, 1149.) "An IEP is a snapshot, not a retrospective." (*Id.* at p. 1149, citing

Fuhrmann v. East Hanover Bd. of Education (3rd Cir. 1993) 993 F.2d 1031, 1041.) It must be evaluated in terms of what was objectively reasonable when the IEP was developed. (*Ibid.*)

Los Angeles did not become aware of the sexual abuse allegation until after Student withdrew from the Oak Grove placement. Student did not prove that Los Angeles failed to address those allegations during his placement at Oak Grove. Regardless, the runaway incidents alone established that, as of August 20, 2024, Los Angeles failed to address Student's safety and supervision need by not ensuring a safety and supervision plan was in place. Student continued his runaway behavior thereafter, running away from Oak Grove on September 8, 2024, and from Casa Pacifica on February 14, 2025.

Los Angeles contends that the IDEA does not require that a school district provide physical supervision of a student once the student has been placed in a non-public school or residential treatment facility. Los Angeles provided no legal support for this argument. Moreover, Los Angeles had responsibility to ensure that Casa Pacifica adequately protected Student. The residential placement did not absolve Los Angeles, as the Local Educational Agency responsible for providing Student with a FAPE, of ensuring that a plan for safety and supervision is in place once Student has demonstrated that need.

The lack of a safety plan made Student's IEP inherently deficient. Los Angeles denied Student a FAPE because it failed to provide Student's various placements with an individualized plan on how to address Student's educationally related safety needs. This additional ground for finding a FAPE denial does not change the remedy ordered for the

FAPE denial of Los Angeles's failure to address Student's attendance; Los Angeles's failure to offer a behavior plan to address attendance supports a finding of FAPE denial on its own.

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, SUBSECTION a:

Los Angeles denied Student a FAPE by failing to conduct an occupational therapy assessment. Los Angeles did not fail to conduct any remaining assessment from November 24, 2023, through the remainder of the 2023-2024 school year.

Student partially prevailed on Issue 1.a. Los Angeles partially prevailed on Issue 1.a.

ISSUE 1, SUBSECTION b:

This Decision does not reach the issue of present levels of performance because Student prevailed on Issues 1.c., 1.i., 1.g., and 1.h., establishing a substantive FAPE denial from November 24, 2023, through the remainder of the 2023-2024 school year.

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ISSUE 1, SUBSECTION c:

Los Angeles denied Student a FAPE by failing to offer an appropriate counseling goal. This Decision did not reach the issue of any other goal offered, because Student prevailed on Issues 1.i., 1.g., and 1.h., establishing a substantive FAPE denial from November 24, 2023, through the remainder of the 2023-2024 school year.

Student prevailed on Issue 1.c.

ISSUE 1, SUBSECTION d:

This Decision does not reach the issue of accommodations because Student prevailed on Issues 1.c., 1.i., 1.g., and 1.h., establishing a substantive FAPE denial from November 24, 2023, through the remainder of the 2023-2024 school year.

ISSUE 1, SUBSECTION e:

This Decision does not reach the issue of services because Student prevailed on Issues 1.c., 1.i., 1.g., and 1.h., establishing a substantive FAPE denial from November 24, 2023, through the remainder of the 2023-2024 school year.

ISSUE 1, SUBSECTION f:

This Decision does not reach the issue of supports because Student prevailed on Issues 1.c., 1.i., 1.g., and 1.h., establishing a substantive FAPE denial from November 24, 2023, through the remainder of the 2023-2024 school year.

ISSUE 1, SUBSECTION g:

Los Angeles denied Student a FAPE by failing to offer a safety plan, from November 24, 2023, through the remainder of the 2023-2024 school year.

Student prevailed on Issue 1.g.

ISSUE 1, SUBSECTION h:

Los Angeles denied Student a FAPE by failing to offer physical supervision of Student, from November 24, 2023, through the remainder of the 2023-2024 school year.

Student prevailed on Issue 1.h.

ISSUE 1, SUBSECTION i:

Los Angeles denied Student a FAPE by failing to offer an appropriate behavior plan, from November 24, 2023, through the remainder of the 2023-2024 school year.

Student prevailed on Issue 1.i.

ISSUE 1, SUBSECTION j:

This Decision does not reach the issue of placement because Student prevailed on Issues 1.c., 1.i., 1.g., and 1.h., establishing a substantive FAPE denial from November 24, 2023, through the remainder of the 2023-2024 school year.

ISSUE 1, SUBSECTION k:

This Decision does not reach the issue of goals because Student prevailed on Issues 1.c., 1.i., 1.g., and 1.h., establishing a substantive FAPE denial from November 24, 2023, through the remainder of the 2023-2024 school year.

ISSUE 1, SUBSECTION l:

This Decision does not reach the issue of whether Los Angeles failed to have required IEP team members at the January 10, 2024, January 18, 2024, and February 22, 2024 IEP team meetings because Student prevailed on Issues 1.c., 1.i., 1.g., and 1.h., establishing a substantive FAPE denial from November 24, 2023, through the remainder of the 2023-2024 school year.

ISSUE 1, SUBSECTION m:

This Decision does not reach the issue of whether Los Angeles failed to ensure meaningful parental participation at the January 10, 2024, January 18, 2024, and February 22, 2024 IEP team meetings because Student prevailed on Issues 1.c., 1.i., 1.g., and 1.h., establishing a substantive FAPE denial from November 24, 2023, through the remainder of the 2023-2024 school year.

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ISSUE 1, SUBSECTION n:

This Decision does not reach the issue of whether Los Angeles predetermined placement at the January 10, 2024, January 18, 2024, and February 22, 2024 IEP team meetings because Student prevailed on Issues 1.c., 1.i., 1.g., and 1.h., establishing a substantive FAPE denial from November 24, 2023, through the remainder of the 2023-2024 school year.

ISSUE 2, SUBSECTION a:

Los Angeles denied Student a FAPE by failing to conduct an occupational therapy assessment. Los Angeles did not fail to conduct any remaining assessment for the 2024-2025 school year.

Student partially prevailed on Issue 2.a. Los Angeles partially prevailed on Issue 2.a.

ISSUE 2, SUBSECTION b:

This Decision does not reach the issue of present levels of performance because Student prevailed on Issues 2.c., 2.i., 2.g., and 2.h., establishing a substantive FAPE denial for the 2024-2025 school year.

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ISSUE 2, SUBSECTION c:

Los Angeles denied Student a FAPE by failing to offer an appropriate counseling goal. This Decision did not reach the issue of any other goal offered, because Student prevailed on Issues 2.i., 2.g., and 2.h., establishing a substantive FAPE denial for the 2024-2025 school year.

Student prevailed on Issue 2.c.

ISSUE 2, SUBSECTION d:

This Decision does not reach the issue of accommodations because Student prevailed on Issues 2.c., 2.i., 2.g., and 2.h., establishing a substantive FAPE denial for the 2024-2025 school year.

ISSUE 2, SUBSECTION e:

This Decision does not reach the issue of appropriate services because Student prevailed on Issues 2.c., 2.i., 2.g., and 2.h., establishing a substantive FAPE denial for the 2024-2025 school year.

ISSUE 2, SUBSECTION f:

This Decision does not reach the issue of appropriate supports because Student prevailed on Issues 2.c., 2.i., 2.g., and 2.h., establishing a substantive FAPE denial for the 2024-2025 school year.

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ISSUE 2, SUBSECTION g:

Los Angeles denied Student a FAPE by failing to offer a safety plan for the 2024-2025 school year.

Student prevailed on Issue 2.g.

ISSUE 2, SUBSECTION h:

Los Angeles denied Student a FAPE by failing to offer physical supervision of Student for the 2024-2025 school year.

Student prevailed on Issue 2.h.

ISSUE 2, SUBSECTION i:

Los Angeles denied Student a FAPE by failing to offer an appropriate behavior plan for the 2024-2025 school year.

Student prevailed on Issue 2.i.

ISSUE 2, SUBSECTION j:

This Decision does not reach the issue of appropriate placement because Student prevailed on Issues 2.c., 2.i., 2.g., and 2.h., establishing a substantive FAPE denial for the 2024-2025 school year.

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ISSUE 2, SUBSECTION k:

This Decision does not reach the issue of implementation because Student prevailed on Issues 2.c., 2.i., 2.g., and 2.h., establishing a substantive FAPE denial for the 2024-2025 school year.

ISSUE 2, SUBSECTION l:

This Decision does not reach the issue of whether Los Angeles failed to have required IEP team members at the August 20, 2024, September 24, 2024, October 7, 2024, December 12, 2024, February 4, 2025, and April 22, 2025 IEP team meetings because Student prevailed on Issues 2.c., 2.i., 2.g., and 2.h., establishing a substantive FAPE denial for the 2024-2025 school year.

ISSUE 2, SUBSECTION m:

This Decision does not reach the issue of whether Los Angeles failed to ensure meaningful Parental participation at the August 20, 2024, September 24, 2024, October 7, 2024, December 12, 2024, February 4, 2025, and April 22, 2025 IEP team meetings because Student prevailed on Issues 2.c., 2.i., 2.g., and 2.h., establishing a substantive FAPE denial for the 2024-2025 school year.

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ISSUE 2, SUBSECTION n:

This Decision does not reach the issue of whether Los Angeles predetermined placement at the August 20, 2024, September 24, 2024, October 7, 2024, December 12, 2024, February 4, 2025, and April 22, 2025 IEP team meetings, and on June 13, 2025, because Student prevailed on Issues 2.c., 2.i., 2.g., and 2.h., establishing a substantive FAPE denial for the 2024-2025 school year.

ISSUE 3, SUBSECTION a:

Los Angeles did not fail to conduct assessments in autism, post-traumatic stress, traumatic brain injury, other health impairment, functional behavior, occupational therapy, recreation therapy, and assistive technology from the beginning of the 2025-2026 school year through February 10, 2026.

Los Angeles prevailed on Issue 3.a.

ISSUE 3, SUBSECTION b:

This Decision does not reach the issue of present levels of performance because Student prevailed on Issues 3.c., 3.i., 3.g., and 3.h., establishing a substantive FAPE denial from the beginning of the 2025-2026 school year through February 10, 2026.

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ISSUE 3, SUBSECTION c:

Los Angeles denied Student a FAPE by failing to offer an appropriate counseling goal. This Decision did not reach the issue of any other goal offered, because Student prevailed on Issues 3.i., 3.g., and 3.h., establishing a substantive FAPE denial from the beginning of the 2025-2026 school year through February 10, 2026.

Student prevailed on Issue 3.c.

ISSUE 3, SUBSECTION d:

This Decision does not reach the issue of accommodations because Student prevailed on Issues 3.c., 3.i., 3.g., and 3.h., establishing a substantive FAPE denial from the beginning of the 2025-2026 school year through February 10, 2026.

ISSUE 3, SUBSECTION e:

This Decision does not reach the issue of appropriate services because Student prevailed on Issues 3.c., 3.i., 3.g., and 3.h., establishing a substantive FAPE denial from the beginning of the 2025-2026 school year through February 10, 2026.

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ISSUE 3, SUBSECTION f:

This Decision does not reach the issue of appropriate supports because Student prevailed on Issues 3.c., 3.i., 3.g., and 3.h., establishing a substantive FAPE denial from the beginning of the 2025-2026 school year through February 10, 2026.

ISSUE 3, SUBSECTION g:

Los Angeles denied Student a FAPE by failing to offer a safety plan from the beginning of the 2025-2026 school year through February 10, 2026.

Student prevailed on Issue 3.g.

ISSUE 3, SUBSECTION h:

Los Angeles denied Student a FAPE by failing to offer physical supervision of Student from the beginning of the 2025-2026 school year through February 10, 2026.

Student prevailed on Issue 3.h.

ISSUE 3, SUBSECTION i:

Los Angeles denied Student a FAPE by failing to offer an appropriate behavior plan from the beginning of the 2025-2026 school year through February 10, 2026.

Student prevailed on Issue 3.i.

ISSUE 3, SUBSECTION j:

This Decision does not reach the issue of appropriate placement because Student prevailed on Issues 3.c., 3.i., 3.g., and 3.h., establishing a substantive FAPE denial from the beginning of the 2025-2026 school year through February 10, 2026.

ISSUE 3, SUBSECTION k:

This Decision does not reach the issue of implementation because Student prevailed on Issues 3.c., 3.i., 3.g., and 3.h., establishing a substantive FAPE denial from the beginning of the 2025-2026 school year through February 10, 2026.

ISSUE 3, SUBSECTION l:

This Decision does not reach the issue of whether Los Angeles failed to have required IEP team members at the at the August 12, 2025, September 5, 2025, October 30, 2025, November 17, 2025, and February 7, 2026 IEP team meetings because Student prevailed on Issues 3.c., 3.i., 3.g., and 3.h., establishing a substantive FAPE denial from the beginning of the 2025-2026 school year through February 10, 2026.

ISSUE 3, SUBSECTION m:

This Decision does not reach the issue of whether Los Angeles failed to ensure Parental participation at the August 12, 2025, September 5, 2025, October 30, 2025, November 17, 2025, and February 7, 2026 IEP team meetings

because Student prevailed on Issues 3.c., 3.i., 3.g., and 3.h., establishing a substantive FAPE denial from the beginning of the 2025-2026 school year through February 10, 2026.

ISSUE 3, SUBSECTION n:

This Decision does not reach the issue of whether Los Angeles predetermined placement at the August 12, 2025, September 5, 2025, October 30, 2025, November 17, 2025, and February 7, 2026 IEP team meetings because Student prevailed on Issues 3.c., 3.i., 3.g., and 3.h., establishing a substantive FAPE denial from the beginning of the 2025-2026 school year through February 10, 2026.

REMEDIES

Administrative Law Judges have broad latitude to fashion appropriate equitable remedies for the denial of a FAPE. (*School Comm. of Burlington v. Department of Educ.* (1985) 471 U.S. 359, 370 [105 S. Ct. 1996, 85 L. Ed. 2d 385 (*Burlington*)]; *Parents of Student W. v. Puyallup School Dist., No. 3* (9th Cir. 1994) 31 F.3d 1489, 1496 (*Puyallap*).) In remedying a FAPE denial, the student is entitled to relief that is “appropriate” in light of the purposes of the IDEA, specifically providing Student with a FAPE which emphasizes special education and related services to meet Student’s unique needs. (20 U.S.C. § 1415(i)(2)(C)(iii); 34 C.F.R. § 300.516(c)(3); *Burlington*, at p. 374.

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Student seeks 104 hours of compensatory education in each of the following areas:

- educational consultant services,
- occupational therapy,
- recreational therapy,
- structured music activities,
- academic counseling and support,
- behavior intervention and support, and
- social/emotional counseling and support.

School districts may be ordered to provide compensatory education or additional services to a student who has been denied a FAPE. (*Puyallup*, at p. 1496.) The authority to order such relief extends to hearing officers. (*Forest Grove Sch. Dist. v. T.A.* (2009) 557 U.S. 230, 243-244, fn. 11 [129 S.Ct. 2484].) These are equitable remedies that courts and hearing officers may employ to craft “appropriate relief” for a party. (*Puyallup*, at p. 1496.) An award of compensatory education need not provide “day-for-day compensation.” (*Id.* at p.1497.) An award to compensate for past violations must rely on an individualized assessment, just as an IEP focuses on the individual student’s needs. (*Reid v. District of Columbia* (D.C. Cir. 2005) 401 F.3d 516, 524.) The award must be fact specific. (*Ibid.*)

Compensatory education is a prospective award of educational services designed to catch the student up to where he should have been absent the denial of a FAPE. (*Brennan v. Regional School Dist. No. 1* (D.Conn. 2008) 531 F.Supp.2d 245, 265; *Orange Unified School Dist. v. C.K.* (C.D.Cal. June 4, 2012, No. SACV 11–1253 JVS(MLGx)) 2012

WL 2478389, *12.) It is an equitable remedy that depends upon a fact-specific and individualized assessment of a student's current needs. (*Puyallup*, supra, 31 F.3d at p. 1496; *Reid v. District of Columbia* (D.C.Cir. 2005) 401 F.3d 516, 524 (*Reid*).) The award must be "reasonably calculated to provide the educational benefits that likely would have accrued from special education services the school district should have supplied in the first place." (*Reid*, supra, 401 F.3d at p. 524.) An award of compensatory education need not provide a day-for-day compensation. (*Puyallup*, supra, at pp. 1496-1497.) The conduct of both parties must be reviewed and considered to determine whether equitable relief is appropriate. (*Id.* at p. 1496.)

Crafting an appropriate remedy in this case is particularly challenging. Los Angeles' failure to address Student's core need of school avoidance essentially barred him from receiving any meaningful education from February 20, 2024, through February 10, 2026. Student sought compensatory education in a variety of areas, including those not independently adjudicated, like recreational and music therapy. However, given the pervasive and substantive FAPE denial found, the undersigned relies on equitable authority in crafting an appropriate remedy. As discussed below, in addition to compensatory services, Parent seeks a prospective placement offer in a therapeutic non-public school. That request is denied.

Due to Los Angeles's FAPE denials, compensatory education in educationally related areas, specifically, occupational therapy, recreational therapy, music therapy, academics, behavior, and social/emotional services, is appropriate. Student did not, however, introduce any evidence or information regarding educational consultant services or the appropriateness of such an award. Educational consult services are not a special education service, and are not ordered here.

Appropriate relief is relief designed to ensure that the student is appropriately educated within the meaning of the IDEA. (*Puyallup*, at p. 1497.) A qualitative analysis is more appropriate here. This Order takes into account Student's age, the nature of Student's disability, and the number of hours likely to compensate Student for the denial of supports and services during the time Student was denied a FAPE, without being oppressive to Student.

Student did not present any evidence regarding the type or amount of compensatory services required to bring Student to where Student would have been absent a denial of FAPE. There is no obligation to provide a day-for-day compensation for time missed.

Considering all relevant factors, Student is awarded a total of 300 hours of compensatory education to be apportioned as follows:

- 150 hours for specialized academic instruction;
- 90 hours total for behavior intervention and social/emotional counseling;
- 30 hours of occupational therapy, focused on fine motor skills; and
- 30 hours total for recreation therapy and music therapy.

Student also seeks mileage reimbursement for Parent's trips to Oak Grove and Casa Pacifica to visit with Student and provide him the opportunity to listen to music in Parent's car when Student was unable to access music at the residential treatment centers. He also seeks reimbursement for purchase of the music player suggested by Ayley Grigsby. The order for compensatory education hours includes music therapy if Student so wishes, and no other award for music services is made here.

Student seeks mileage reimbursement for family therapy visits to Oak Grove and Casa Pacifica. This request is denied. Student provides no legal authority for Student's request that Parent be reimbursed to attend family therapy session in person.

As noted above, Student seeks prospective placement in a therapeutic non-public school residential treatment center. This request is denied. Compensatory education is the appropriate remedy for the FAPE denials found herein. No order is made in this Decision regarding Student's placement moving forward. The evidence in this case regarded Student's needs as they existed until February 10, 2026, which may be different from Student's needs as they stand today. This is especially likely given how dynamic and changing Student's needs proved to be during the statutory period.

ORDER

1. Within 20 calendar days of this Order, Parent shall communicate choice of service provider(s) to Los Angeles. If Parent does not do so within this timeframe, Los Angeles shall select the service provider(s).
2. If a service provider is a non-public agency, Los Angeles must establish a contract with the non-public agency within 45 calendar days of this Order. If a service provider is not certified as a non-public agency, Parent shall pay for the services and Los Angeles shall reimburse Parent for services rendered according to proof.

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3. Student is awarded a total of 300 hours of compensatory education to be apportioned as follows:
 - a. 150 hours of specialized academic instruction;
 - b. 90 hours of behavior intervention and social/emotional counseling;
 - c. 30 hours of occupational therapy, focusing on fine motor skills; and
 - d. 30 hours total for recreational therapy and music therapy.

The above hours are compensatory services, awarded to make up for Los Angeles's denial of FAPE. Los Angeles cannot use the compensatory services to replace any services Student requires to receive a FAPE.

4. If Los Angeles establishes a contract with a certified non-public agency or agencies, Parent must coordinate the dates, times, and location of the compensatory services directly with the selected agency. The compensatory services may be provided at home, school, or another location determined by the non-public agency and Parent.
5. Student has until December 31, 2028, to use the services. Any services not used by that date will be forfeited.
6. All other requests for relief are denied.

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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