BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. CAPISTRANO UNIFIED SCHOOL DISTRICT AND COMMUNITY ROOTS ACADEMY.	OAH Case No. 2017020910 ORDER DENYING MOTION FOR PRELIMINARY INJUNCTION

On February 17, 2017, Parent on behalf of Student filed a due process hearing request with the Office of Administrative Hearings, naming Capistrano Unified School District and Community Roots Academy.

On March 31, 2017, Student filed a motion for preliminary injunctive relief.[1] Student requests that OAH find that District and Community Roots failed to implement his individualized education program, that his private school placement is appropriate, and order reimbursement for the private school placement, prior to hearing. District and Community Roots submitted an opposition on April 5, 2017.

Preliminary Injunction

OAH has no statutory authority or jurisdiction to issue preliminary injunctions. The closest analogue is a motion for stay put, which is not included in Student's request. OAH therefore has no jurisdiction to grant Student's request.

Moreover, the issues alleged by Student require a judicial finding after a hearing. The parties have the right to present evidence, arguments, and to examine and cross examine witnesses, prior to a decision. (Ed. Code § 56505(e).) Student improperly seeks to

[1] Included in Student's motion was a response to District and Community Roots' request for continuance. The response is moot because OAH granted the request for continuance on March 30, 2017.

circumvent those rights. Accordingly, Student's request is DENIED.

IT IS SO ORDERED.

DATE: April 10, 2017

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Paul H. Kamoroff
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PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings