

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

PARENT ON BEHALF OF STUDENT,

v.

CORONA-NORCO UNIFIED SCHOOL DISTRICT.

CASE NO. 2026051154

EXPEDITED DECISION

JULY 1, 2026

On May 26, 2026, the Office of Administrative Hearings, called OAH, received a due process hearing request from Student, naming the Corona-Norco Unified School District. 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 Charles Marson heard this matter by videoconference on June 16, 17, and 18, 2026. The Administrative Law Judge is called an ALJ.

Student's Parent represented him. Dee Anna Hassenpour and Jasey L. Mahon, Attorneys at Law, represented Corona-Norco. Dawn Rust, Corona-Norco's Administrative Director, attended all hearing days on Corona-Norco's behalf.

On June 18, 2026, the last day of hearing, the record was closed, and the matter was submitted for decision. The ALJ allowed the parties to file closing arguments within 10 school days, but did not continue the matter. To ensure the closing briefs could be considered, the undersigned issued an order specifying the briefs were due by close of business on Monday, June 29, 2026, rather than 10 school days. Student and Corona-Norco timely filed closing arguments, and the record was closed on June 29, 2026.

EXPEDITED ISSUES

1. Did Corona-Norco's Manifestation Determination Review of May 13, 2026, erroneously determine that Student's conduct on May 4, 2026, was not caused by, or have a direct and substantial relationship to, his disability?
2. Did Corona-Norco's Manifestation Determination Review of May 13, 2026, erroneously determine that Student's conduct on May 4, 2026, was not the direct result of Corona-Norco's failure to implement his IEP?

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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)(2006).)

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)(2006).) 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)(2006).) 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]; see 20 U.S.C. § 1415(i)(2)(C)(iii).) Here, Student filed the complaint and has the burden of proof. The factual statements in this 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 14 years old and in 8th grade at Corona-Norco's Raney Intermediate School at the time of the hearing. Student resided within Corona-Norco's geographic boundaries at all relevant times. Student was eligible for special education under Other Health Impairment because of suspected Attention Deficit Hyperactivity Disorder, called ADHD.

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ISSUE 1: DID CORONA-NORCO'S MANIFESTATION DETERMINATION REVIEW OF MAY 13, 2026, ERRONEOUSLY DETERMINE THAT STUDENT'S CONDUCT ON MAY 4, 2026, WAS NOT CAUSED BY, OR HAVE A DIRECT AND SUBSTANTIAL RELATIONSHIP TO, HIS DISABILITY?

Student contends that his attack on another student on May 4, 2026, for which he was suspended, was caused by and had a direct and substantial relationship to his disability, namely ADHD, which is characterized by impulsivity.

Corona-Norco contends that Student's conduct in the May 4, 2026 attack was not caused by his ADHD, but instead was the consequence of a weeks-long dispute with another student over that other student's attentions to Student's girlfriend.

On May 4, 2026, at the end of a PE class, Student and another student, called student A, went to the dressing room of the gym to change. Student sought out student A and physically charged him. Student A tried to push Student away, but Student repeatedly punched student A, who had a cast on one arm, and rather than fighting back, fell to the floor in a defensive crouch. Student continued to punch student A and then stomped on his head. Student A was taken to an emergency room, where he was diagnosed as having a concussion.

Dr. Octavio Gamez, the Dean of Students at Raney, appeared quickly at the scene of the attack and began an investigation. Gamez took written statements from five students who were eyewitnesses, and also from Student. The statements were generally consistent. Gamez conducted a reasonably thorough investigation and described its result to the MDR team and at hearing. At hearing there was no serious dispute about

what had occurred to bring about Student's suspension. There were minor variations among the witnesses in the number of punches perceived, and whether Student stomped student A on the stomach or the head, but those variations do not matter to the result here.

All the relevant evidence produced at hearing showed that the assault on May 4, 2026, was the culmination of weeks of tension between Student and student A. Student A had repeatedly approached Student's girlfriend. Student had warned student A not to approach his girlfriend, but student A did not comply and continued to approach her. Other students were aware of Student's growing anger at student A's pursuit of his girlfriend, and some of their statements suggested they expected something like the assault to happen. Student had told some of them he was tired of student A's conduct and was going to "take care of business" either at or after school.

The witness statements collected by Dean Gamez were generally consistent with that account. Corona-Norco's extensive documentation of Student's suspension was generally accurate in recounting the descriptions of this event. At hearing, no one argued that the event was significantly different from Dean Gamez's description of it.

THE MANIFESTATION DETERMINATION REVIEW

Corona-Norco suspended Student for the assault and began expulsion proceedings. On May 13, 2026, Corona-Norco convened a manifestation determination review, called an MDR, meeting. The team included Dr. Gamez, who chaired the meeting; school psychologist Natalie Candela, who facilitated the meeting, case carrier Evangelina Horne, general education teacher Grace Thang, special education teacher Cristina Montoya, district coordinator Claudia Vega Diaz, school counselor Mike

Johnson, and the District's attorney, Summer Dalessandro. Parent attended by telephone, and her partner, who was also Student's soccer coach, attended in person. Student did not attend. Corona-Norco introduced a transcript of the discussion in evidence.

School psychiatrist Candela presented the report of Student's conduct on May 4, 2026, which was consistent with the descriptions above. She then reviewed Student's behavioral records for the team. Student's disciplinary record showed that he was frequently defiant. In recent school years he had engaged in many minor misbehaviors, such as refusing to work, to follow instructions, to take his hat off, to stop chewing gum, to stop watching YouTube in class, to complete assignments, to sit in the chair assigned to him, to stop talking, and the like. However, nothing in Student's disciplinary record foreshadowed his conduct on May 4, 2026.

Nothing in Student's disciplinary record involved violence toward any student or staff member. General education teacher Thang told the team that Student generally responded to peer conflicts in a manner comparable to his peers. He was well liked and was managing his behavior in the classroom.

The day after the incident, Dean Gamez wrote a summary of all had learned from talking to witnesses and taking written statements. That summary was read, in key parts, by Candela in describing the incident that had resulted in the manifestation determination review. Candela then led the team in reviewing Student's attendance and health records, and explained why he had two goals in his IEP to address his impulsivity. She stated she had interviewed Student's teachers and presented their descriptions of his conduct in classes. His teachers uniformly praised his conduct in class.

Parent and her partner argued that Student's conduct had not been as extreme as the conduct described by Candela at the outset of the discussion, and questioned the completeness of the investigation. They also stated that a behavior intervention plan should have been part of Student's IEP. Parent provided a letter from a pediatric group stating that Student had been diagnosed with adjustment disorder and depressed mood. However, Parent did not contend that those conditions had any causal relationship to Student's conduct on May 4, 2026.

In discussing whether Student's IEP of April 7, 2026, had been implemented, the team learned that Student had made great academic progress under it. The team extensively discussed what in Parent's view should have been in the IEP, and discussed conducting some assessments and revising the IEP. But no one on the team, including Parent and her partner, asserted that any provision of the IEP in effect on May 4, 2026 was not implemented, or was related to Student's conduct on May 4, 2026.

At the conclusion of the review meeting, Corona-Norco formally recorded two findings. They were that Student's conduct on May 4, 2026, was not caused by, or directly and substantially related to, his disability, and that his conduct was not caused by any failure by Corona-Norco to implement his IEP.

In his closing statement, Student claims he approached student A only to question him. He describes his assault of student A as a spontaneous impulsive reaction directly tied to his ADHD. This claim is unpersuasive for several reasons.

First. Student's current characterization of his conduct on May 4, 2026, is not consistent with his earlier statements. His first written statement, made shortly after the

event, stated: "For two weeks he was talking bad about me, and I told him stop, and then he did it again. So I got tired of it and stood on business." This suggests that Student had lost faith in simply talking to student A.

The next day, Student wrote a more extensive statement with the help of Parent. In the second statement he was apologetic and remorseful. He stated that two weeks earlier, two friends of his girlfriend had told him that student A was claiming he beat up Student and was "talking trash" about him, but Student did not immediately react. Then on May 4, 2026 he and others were walking up a ramp to PE when he heard student A crudely disparage his mother, calling her a "Bxxx and a Hxxx." According to his second statement, Student brooded about this slur during PE and, after class, sought out student A near his locker "to confront him." Student A saw him coming and pushed him away. Student stated he "snapped when he did that," and he punched student A twice. When student A crouched down, Student stated, "I stomped him."

Dean Gamez also obtained a written statement from the school security officer who walked both boys to the office after the incident. According to that officer, Student stated that he had told student A several times not to talk to his girlfriend, or they were going to have a problem.

None of these statements by Student at or around the time of the incident say anything about impulsivity. All of them confirm that the reason for the attack had been accumulating for days if not weeks.

Second, there was no persuasive evidence that Student's conduct on May 4, 2026, had any direct connection to his ADHD. Mother and her partner disagreed at hearing,

but their opinions were not supported by any claims of expertise or by any other witness. Student did not present testimony by any psychologist, psychiatrist, physician, educator, or other professional, that his ADHD and his conduct were linked.

Student now argues that his walking up to student A was a “classic impulsive ADHD reflex.” No evidence supported that assertion. The testimony of Dean Gamez and that of PE teacher Shane Lehman established that Student’s locker was in the middle of the locker room, and Student had to walk past it and past three rows of lockers to get to student A’s locker in the far corner.

It is true that impulsivity is frequently a symptom of ADHD, and that Student in the past had displayed that impulsivity on many occasions. However, impulsivity and assault are not the same. Nothing in Student’s previous disciplinary record suggested that his ADHD had ever manifested in physical combat with anyone. Since Student was 14 years old and in the eighth grade at the time of hearing, it is extremely unlikely that any ADHD-related tendency to personal violence had never appeared in his past and did not emerge until May 4, 2026.

Instead, substantial and persuasive evidence showed that Student’s attack on student A was the consequence of an ongoing dispute related to student A’s insistence on approaching Student’s girlfriend, and also by a crude and offensive remark by student A about Student’s mother. Student did not act impulsively in assaulting student A. He displayed increasing irritation for weeks about student A’s conduct, and was seriously offended by student A’s reference to his mother just before the PE class began. By his own admission, Student considered his next course of action all through the PE

class, and decided to “confront” student A. He walked to student A’s locker, charged student A, punched him at least twice, punched him again when student A fell into a defensive crouch, and then stomped on student A’s head between one and three times.

The Corona-Norco members of the manifestation determination review team correctly concluded that Student’s course of action on May 4, 2026, was considered in advance and planned, and was not impulsive or a manifestation of his ADHD. The ALJ agrees.

ISSUE NO. 2: DID CORONA-NORCO’S MANIFESTATION DETERMINATION REVIEW OF MAY 13, 2026, ERRONEOUSLY DETERMINE THAT STUDENT’S CONDUCT ON MAY 4, 2026, WAS NOT THE DIRECT RESULT OF CORONA-NORCO’S FAILURE TO IMPLEMENT HIS IEP?

Student did not offer any evidence at the manifestation determination review or at hearing that his April 7, 2026 IEP, which was in effect on May 4, 2026, was not fully implemented. Student did not identify any provision of that IEP that had any plausible relevance to his conduct on May 4, 2026. There was significant discussion at the manifestation determination about alleged flaws in the IEP, but no one asserted that the provisions that the IEP did contain were not implemented or had anything to do with Student’s conduct. Thus, Student did not meet his burden of proving that his May 4, 2026, conduct was related to a failure to implement his IEP.

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CONCLUSIONS AND PREVAILING PARTY

As required by California Education Code section 56507, subdivision (d), the hearing decision must indicate the extent to which each party has prevailed on each issue heard and decided.

ISSUE 1:

The manifestation determination was correct in finding that Student's conduct on May 4, 2026, was not a manifestation of his disability.

Corona-Norco prevailed on Issue 1.

ISSUE 2:

The manifestation determination was correct in finding that Student's conduct on May 4, 2026, was not the direct result of Corona-Norco's failure to implement his IEP.

Corona-Norco prevailed on Issue 2.

ORDER

The manifestation determination is affirmed in full. All of Student's requests for relief in this expedited hearing 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.

Charles Marson

Administrative Law Judge

Office of Administrative Hearings