

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT on behalf of STUDENT,

v.

FOLSOM CORDOVA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2009090847

ORDER DENYING REQUEST FOR
RESTRAINING ORDER AND
INJUNCTION

On October 28, 2009, Student filed a “Motion and Request for Restraining Order and Injunction Order” (Motion). The Motion requested a restraining order to stop District personnel from delivering IEP documents to Student’s home and an injunction to stop the District from holding an IEP team meeting until after the hearing in this case. On November 3, 2009, District filed an opposition to the motion. District’s opposition contended that OAH did not have authority to issue such restraining orders and injunctions, but even if it did, District was fulfilling its IDEA duty to hold an IEP meeting and/or the issue was moot because Student’s parents have been granted a continuance and attended an IEP team meeting on November 2, 2009. For the reasons set forth below, the motion is denied.

Although OAH may seek contempt sanctions for behavior by a party that interferes with an administrative hearing, OAH does not have power to issue injunctions or restraining orders. (See Gov. Code, § 11455.10, et seq. & Cal. Code. Regs., tit. 5, § 3088.) Here, the conduct Student seeks to limit through a restraining order and/or injunction is not directly related to resolution of the issues at hearing. Accordingly, because OAH does not have the authority to grant injunctions or restraining orders, the motion is denied.

It is so ordered.

Dated: November 04, 2009

/s/

RICHARD T. BREEN
Administrative Law Judge
Office of Administrative Hearings