

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015120810

ORDER DENYING STUDENT'S
REQUEST FOR PRELIMINARY
INJUNCTION AND STRIKING IT
FROM THE RECORD

This matter was filed on December 18, 2015. A due process hearing was held before the undersigned ALJ on January 26, 27, and 28, and February 2, 3, and 4, 2016. Closing arguments limited to 25 pages in length are due March 1, 2016. The central issue is whether Student, now kindergarten, should be in first grade instead.

On February 12, 2016, Parents filed a request for a preliminary injunction, seeking the immediate transfer of Student to first grade pending a final decision in this matter. On February 16, 2016, Oakland filed an opposition and a motion to strike Student's motion from the record.

Preliminary Injunction

OAH has no statutory authority or jurisdiction to issue preliminary injunctions. The closest analogue is a motion for stay put, which is inapplicable here because it seeks to keep the student in his current placement, not to put him in a different one. Because OAH has no jurisdiction to grant the request, it is DENIED.

Motion to Strike

Oakland correctly argues that Student's request for preliminary injunction, which contains extensive factual and legal argument, is an unauthorized expansion of Student's right to file a closing argument and is inconsistent with the limits imposed on closing arguments. Oakland's motion to strike Student's request for a preliminary injunction from the record is therefore GRANTED.

DATE: February 16, 2016

DocuSigned by:

Charles Marson

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CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings

