

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

GLENDALE UNIFIED SCHOOL DISTRICT, POMONA UNIFIED SCHOOL DISTRICT, NORWALK-LA MIRADA UNIFIED SCHOOL DISTRICT, AND LOS ANGELES COUNTY OFFICE OF EDUCATION.

OAH CASE NO. 2012060908

ORDER FOR SUPPLEMENTAL EVIDENCE TO SUPPORT STUDENT'S MOTION FOR STAY PUT

PROCEDURAL BACKGROUND

Student filed an initial request for due process hearing (herein, complaint) on June 15, 2012, naming as respondents the Glendale Unified School District (Glendale), the Pomona Unified School District (Pomona), the Norwalk-La Mirada Unified School District (Norwalk), and the Los Angeles County Office of Education. Student filed a motion for stay put on June 26, 2012. In separate Orders dated June 27 and June 28, 2012, the Office of Administrative Hearings (OAH) found Student's complaint insufficient as to all respondents. On July 5, 2012, OAH denied Student's motion for stay put without prejudice due to the lack of supporting evidence on which to base an order for stay put.

Student filed an amended complaint on July 11, 2012. Student's amended complaint alleges that he is a conserved adult eligible for special education. He contends that he had attended school in Glendale under an individualized education program (IEP) that placed him at a non-public school in Pasadena named Villa Esperanza. Student contends that Glendale improperly dis-enrolled him on June 15, 2012, based upon its determination that Student's father (Father), who is Student's conservator, was no longer a resident of Glendale. Student alleges that Pomona and Norwalk also refused to enroll Student in their respective school districts because Father did not reside within either of their boundaries. Student contends that one of the school districts is responsible for his education and asks that OAH make that determination. Student's amended complaint attaches a letter from Glendale, dated June 15, 2012, which informs Father that it is dis-enrolling Student, Letters of Conservatorship from the Los Angeles County Superior Court giving Father limited conservatorship over Student, a copy of Villa Esperanza's school calendar, and a copy of Student's latest signed and implemented IEP, dated March 26, 2012.

On July 12, 2012, Student filed a motion for reconsideration of the Order denying his motion for stay put. The pleading renews Student's original request for stay put. Student contends that Father is basically homeless as he has moved out of the family home in Glendale, where Student's mother still resides, and has been staying temporarily with friends. Student states that at the time of the filing of his amended complaint, Father had been staying with friends in Norwalk, but still has not decided where he will reside permanently. Student requests that OAH order that Glendale maintain his IEP placement as stay put until a hearing is conducted to determine which school district is responsible for Student's education.

Based on the filing of Student's amended complaint, OAH will treat Student's motion for reconsideration as a renewed motion for stay put.

On July 17, 2012, Glendale and Pomona filed a joint opposition to Student's motion for stay put. They contend that Student is not a resident of either school district based upon the fact that Student's father does not live within the boundaries of either one. Glendale and Pomona contend that Student's school district must be determined by Father's residency, even if his residency is only temporary. Therefore, Glendale and Pomona contend that Norwalk, where Father appears to have last lived, even if temporarily, is Student's school district of residence and responsible for his education. In the alternative, Glendale and Pomona request that OAH conduct an evidentiary hearing to determine Student's residency.

On July 23, 2012, Norwalk filed a motion to be dismissed as a party to this proceeding. Norwalk contends that it is not Student's district of residence since Father has stated that he is only staying temporarily within its boundaries.

ORDER

1. Student's amended complaint and motion for stay put do not contain enough information to determine what Student's stay put should be pending resolution of Student's due process request.

2. Student's Father is therefore directed to file with OAH in Sacramento, **no later than 5:00 p.m. on Monday, July 30, 2012**, a declaration under penalty of perjury containing the following information:

I. Between the date Father left the family home in Glendale and the present, Father is to provide a list of every place he has lived or stayed at for at least one night, providing the dates he was there, the address and name of the city for each place he has stayed.

II. Where was Student living between March 26, 2012, and May 23, 2012?

III. What were the circumstances that placed Student at the Dare 2 Care facility in Pomona?

- a. Who made the decision to place Student there?
- b. Who is paying for the placement?
- c. Is Student's stay at Dare 2 Care permanent or temporary?
- d. If temporary, when is Student scheduled to leave and where will he then live?
- e. Is Dare 2 Care a licensed facility? If so, what type of license does it have?

f. Is there a school on the premises of Dare 2 Care?
g. How was Student being transported from Dare 2 Care to Villa Esperanza from May 23, 2012, to June 15, 2012?

- h. Who was paying for the transportation?
- i. If a Regional Center arranged for Student's transportation and/or paid for it, will the Regional Center continue to do so if Student returns to Villa Esperanza? How does Father know that?

j. How long does it take for Student to get from Dare 2 Care to Villa Esperanza in the morning and how long does it take to return in the afternoon?

IV. Does Student's mother still live at the same residence? If not, where does she live?

V. What was the date Father left the family home in Glendale?

VI. What is the status of the separation between Student's father and mother?

VII. Does Father have any present plans to return to Glendale, either to the family home or to another location? If so, when does Father plan to return?

VIII. Has Father made a determination as to where he will live permanently? If so, where will that be and when will Father begin living there?

3. Respondent Districts may file a response to Student's declaration with OAH in Sacramento no later than **5:00 p.m. on Thursday, August 2, 2012.**

Dated: July 24, 2012

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings