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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
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10 M.C., a minor, by and through his
11 guardian ad litem S.B.,

12 Plaintiff,

13 vs.

14 LOS ANGELES UNIFIED SCHOOL
DISTRICT, a local educational
15 agency,

16 Defendant.
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) CASE NO.:

) **COMPLAINT FOR:**

) 1. Appeal of Special Education
) Administrative Hearing Decision
) Arising Under the Individuals with
) Disabilities Education Act (IDEA), 20
) U.S.C. § 1400 *et seq.*

INTRODUCTION

1. Plaintiff M.C. brings this action following an administrative hearing decision (“Decision”) rendered by the California Office of Administrative Hearings (“OAH”) in a special education administrative hearing under the Individuals with Disabilities Education Improvement Act (“IDEA”) 20 U.S.C. §§ 1415 et seq., and designated as OAH case no. 2019080679. The Decision was issued on July 6, 2020

2. Plaintiff brings this action to reverse the Decision in OAH case no. 2019080679 with respect to both issues decided therein. Additionally, Plaintiff seeks to compel Defendant to provide Plaintiff with an appropriate educational program in the least restrictive environment appropriate to meet his needs in accord with 20 U.S.C. section 1412(a)(5). Plaintiff also seeks to recover attorneys’ fees and expenses incurred in connection with the underlying administrative proceeding and this action pursuant to 20 U.S.C. § 1415(i)(2)(B).

JURISDICTION AND VENUE

3. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. sections 1331 and 1343, which afford original jurisdiction over actions arising from federal questions under the Constitution or laws of the United States, including the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. § 1415(e)).

4. Venue is proper in this Court pursuant to 28 U.S.C. §1391(b) because all the events which are the subject of this complaint took place within the Central District of California, in which the District is situated and Plaintiff resides.

5. M.C. has exhausted all administrative remedies.

PARTIES

6. Plaintiff M.C. is a minor and a resident of the city of Los Angeles, California. At all times relevant to this action, he has resided with his mother within the boundaries of the Los Angeles Unified School District. M.C. qualifies as an individual with a disability for purposes of the IDEA. He qualifies for special education services under the IDEA on the basis of Intellectual Disability. Plaintiff

1 is under the age of 18 and brings this action through his guardian ad litem, S.B.

2 7. Defendant Los Angeles Unified School District (“District,” or
3 “LAUSD”) is a public local educational agency and a public entity under the laws of
4 the State of California, and is located in Los Angeles County, California. The District
5 is a local educational agency organized pursuant to the applicable provisions of the
6 California Education Code and charged by federal and state law with providing
7 students with disabilities who live within its boundaries with a free and appropriate
8 educational program.

9 **PROCEDURAL HISTORY**

10 8. Plaintiff filed a due process hearing request with the California Office
11 of Administrative Hearings on August 16, 2019, naming Los Angeles Unified School
12 District as Respondent. Plaintiff’s case was numbered OAH case no. 2019080679

13 9. A hearing was held before Administrative Law Judge Paul H. Kamoroff
14 on June 2, 3, 4, and 9, 2020. A Decision, appealed here, was rendered by ALJ
15 Kamoroff on August 16, 2020. A true and correct copy of the Decision is attached
16 to this complaint as Exhibit “A” and incorporated herein by reference.

17 **FIRST CAUSE OF ACTION**

18 **(Appeal of Special Education Administrative Decision Arising Under the** 19 **Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 *et seq.*,** 20 **Against District)**

21 10. Plaintiff incorporates by reference herein and repeats as though set out
22 in full paragraphs 1 through 9.

23 11. The Decision below was not based upon a careful and impartial
24 consideration of all the evidence. The Administrative Law Judge failed to consider
25 all of the evidence presented, reached erroneous conclusions of law, and otherwise
26 failed to issue a decision that is careful and impartial.

27 12. The main issue decided in the case below was whether District denied
28 student an appropriate educational program by failing to offer him a program in the

1 least restrictive environment appropriate to meet his needs as required by the IDEA
 2 during extended school year 2019. The evidence adduced at hearing made clear that
 3 District failed to offer student a program in what District personnel testified was the
 4 least restrictive environment within which he was able to make progress. ALJ
 5 Kamoroff ignored clear evidence that district policy and practice regarding the
 6 provision of extended school year programming to students such as M.C., who
 7 receive their program during the regular school year within the general education
 8 setting but who are assessed using alternate curriculum standards, ignored the needs
 9 of individual students and was contrary to the unambiguous mandates of federal law.
 10 As applied to M.C., Defendant's policies precluded his IEP team from considering
 11 his individual educational needs and denied him an appropriate educational program
 12 in the least restrictive environment.

13 13. As the Decision below is contrary to clearly established law, Plaintiff
 14 seeks this Court's de novo review and reversal of the Decision with respect to both
 15 issues decided, and the issuance of appropriate relief.

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PRAYER FOR RELIEF

Plaintiff prays this Court provide the following relief:

1. An Order reversing the OAH Decision in this matter;
2. An order compelling District to provide Plaintiff with an appropriate educational program in the least restrictive environment appropriate to meet his needs in accord with 20 U.S.C. section 1412(a)(5);
3. An order compelling District to provide Student with compensatory educational services;
4. An Order awarding attorneys' fees and costs incurred in litigating both the administrative due process complaint and the instant action pursuant to 20 U.S.C. § 1415(i)(2)(B); and,
5. An Order awarding such other and further relief as the Court deems just and proper.

Dated: October 5, 2020

Respectfully submitted,
Newman Aaronson Vamanan LLP

/s/

David W. German, Attorney for M.C.