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11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**

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15 A.C., a minor, by and through his Guardian  
ad Litem, KRISTINA CORNELIO,

16 Plaintiff,

17 v.

18 LOS ANGELES UNIFIED SCHOOL  
DISTRICT,

19 Defendant.  
20

Case No.: 2:24-cv-09579

**COMPLAINT FOR RELIEF:**

Judicial Review of Administrative Decision  
under the Individuals with Disabilities  
Education Act (20 U.S.C. § 1400 et seq.)

1 Plaintiff A.C., by and through his Guardian ad Litem, KRISTINA CORNELIO,  
2 (“Plaintiff”) brings this action for judicial review of the decision in an administrative due process  
3 hearing commenced under the Individuals with Disabilities Education Act (“IDEA”) and for  
4 recovery of attorneys’ fees in connection with the administrative due process hearing and instant  
5 action.

6 In support of this Complaint (“Complaint”), Plaintiff A.C. hereby alleges:

7 **JURISDICTION AND VENUE**

- 8 1. This Court has original jurisdiction over Plaintiff’s claims pursuant to 20 U.S.C. §  
9 1415(i)(3)(A) and 28 U.S.C. §§ 1331 and 1343(a)(4).
- 10 2. Pursuant to 20 U.S.C. § 1391(b)(1) and (b)(2), venue in this Court is proper because  
11 Defendant Los Angeles Unified School District is located within Los Angeles County and  
12 all events and omissions giving rise to Plaintiff’s claims took place within Los Angeles  
13 County, within the boundaries of the Central District of California.

14 **INTRODUCTION**

- 15 3. This matter addresses the straightforward, yet wrongly decided question of legal  
16 responsibility and the proper local education agency for legal claims on behalf of a young  
17 charter school student in Los Angeles Unified School District.
- 18 4. Plaintiff A.C. attended Accelerated Charter Elementary School, a charter school of  
19 LAUSD. After A.C. was wrongly exited from special education he brought claims against  
20 both Accelerated and LAUSD. He included claims against LAUSD, as the responsible  
21 local education agency, because LAUSD’s actions, documents, and communications  
22 clearly identified it as the entity responsible for ensuring that Student receives appropriate  
23 special education services. This included, *inter alia*, that:

- 24 • Accelerated was chartered by LAUSD and signed a Memorandum of  
25 Understanding with LAUSD.
- 26 • The Memorandum and the California Department of Education identify  
27 Accelerated as a “public school operating within the jurisdiction of the District.”
- 28 • The Memorandum states that in the event that a parent or guardian of an  
Accelerated student initiates due process proceedings under the IDEA, both

Accelerated and LAUSD shall be named as respondents.

- All of A.C.’s Individualized Education Program documents are labeled LAUSD identify LAUSD as A.C.’s Local Educational Agency.
- A.C.’s mother received a copy of “procedural safeguards” at his Individualized Education Program meetings that were labeled LAUSD and explained how to file administrative complaints against LAUSD.
- LAUSD was thoroughly involved in the provision of special education services to A.C. including providing parent counseling and training services, a related service under the IDEA, as well as compensatory services; staying in frequent contact with Accelerated regarding A.C.’s special education program; and monitoring and maintaining logs regarding the provision of A.C.’s special education services
- After A.C. filed his administrative case LAUSD filed a response that unequivocally assumed the role and the responsibility of a proper Respondent to A.C.’s administrative complaint.

5. Despite this, the Administrative Law Judge erroneously found after an eleventh-hour motion from LAUSD – a motion that represented an abrupt reversal of LAUSD’s earlier representations in the case and to A.C.’s parent – that LAUSD was not a responsible local educational agency. As a result, the ALJ dismissed LAUSD from the case, leaving A.C. *no recourse or available remedies* against the responsible district in this matter. Such a ruling is not only belied by the facts and law of this case, but also leaves parents of children with disabilities at the mercy of a legal shell game through which responsible school districts evade ultimate responsibility for charter students with disabilities in their district.

6. As such, Plaintiff brings this case as an aggrieved party under the Individuals with Disabilities Education Act to challenge the improper decision below to deny him the ability to pursue his case against the responsible district.

**PARTIES**

7. Plaintiff A.C. is a minor who currently resides, and at all times relevant to this Complaint has resided, in the City of Los Angeles, Los Angeles County, California, within the geographical boundaries of Defendant Los Angeles Unified School District. A.C. is a child with a disability within the meaning of the IDEA (20 U.S.C. § 1400 et seq.).

8. Defendant Los Angeles Unified School District (“LAUSD”) is a public school district

1 located in the City of Los Angeles, Los Angeles County, California. At all times relevant  
2 to this Complaint, LAUSD was duly organized and existing under the laws of the State of  
3 California.

4 **STATEMENT OF FACTS**

5 9. Plaintiff A.C. is a twelve-year-old student who lives with his parent, Kristina Cornelio  
6 (“Parent”), within the geographical boundaries of LAUSD.

7 10. A.C. has been diagnosed with Attention Deficit/Hyperactivity Order (combined type) and  
8 Disorder of Written Expression. A.C. is eligible for special education under the IDEA and  
9 receives special education pursuant to an Individualized Education Program (“IEP”).

10 11. At all times relevant to this Complaint, A.C. attended the Accelerated Charter Elementary  
11 School (“Accelerated”) located in the City of Los Angeles, Los Angeles County,  
12 California.

13 12. At all times relevant to this Complaint, Accelerated was a charter school whose charter  
14 was granted by LAUSD.

15 13. On or about January 4, 2019, LAUSD and Accelerated executed a Memorandum of  
16 Understanding that outlined their relationship regarding the provision and funding of  
17 special education and related services to Accelerated students during the time period  
18 relevant to this matter. The Memorandum identifies Accelerated as a public school  
19 operating within the jurisdiction of LAUSD. The Memorandum further states that, in the  
20 event that a parent or guardian of an Accelerated student initiates due process proceedings  
21 under the IDEA, both Accelerated and LAUSD shall be named as respondents.

22 14. During the time period relevant to this Complaint, A.C. received special education and  
23 related services pursuant to an IEP dated October 11, 2022. The October 11, 2022 IEP,  
24 and each of A.C.’s prior IEPs, were labeled LAUSD and identified LAUSD as A.C.’s  
25 local educational agency.

26 15. A.C.’s IEP meeting notices and assessment plans named LAUSD and were created using  
27 LAUSD’s templates. Accelerated followed LAUSD’s process for determining triennial  
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1 reassessment eligibility and issued its determination on LAUSD letterhead. LAUSD  
2 maintained logs of Student’s special education and related services.

3 16. At each of A.C.’s IEP meetings, his mother was offered the LAUSD’s Procedural  
4 Safeguards. The Procedural Safeguards advised Parent on how to file a Request for Due  
5 Process Hearing and serve the complaint on LAUSD. Additionally, it directed Parent to  
6 file any local complaints directly with LAUSD.

7 17. Between February 7 and April 19, 2023, A.C. was assessed to determine whether he  
8 continued to be eligible to receive special education.

9 18. On April 19 and June 8, 2023, A.C.’s IEP team convened to review A.C.’s special  
10 education assessments. At these meetings, A.C.’s IEP team concluded that A.C. was no  
11 longer eligible for special education and, at the June 8 meeting, sought to terminate his  
12 IEP. Parent did not consent to termination of A.C.’s IEP.

13 19. On November 17, 2023, A.C. obtained an independent neuropsychological evaluation  
14 from Dr. Nicholas Thaler, Ph.D. Dr. Thaler diagnosed A.C. with Attention Deficit  
15 Hyperactivity Disorder and Disorder of Written Expression. He concluded that A.C. met  
16 IDEA eligibility criteria under the categories of Specific Learning Disability and Other  
17 Health Impairment. Dr. Thaler recommended that A.C. receive various services, supports,  
18 and accommodations pursuant to an IEP.

19 20. On May 30, 2024, A.C.’s IEP team convened to confirm his eligibility for special  
20 education under the category of Other Health Impairment and reinstate his IEP. A.C. has  
21 continued to receive special education and related services pursuant to this IEP since the  
22 May 30 meeting.

23 21. While A.C. continued to receive special education during his one-year period of  
24 ineligibility due to the IDEA’s “stay put” provision, he did so pursuant to an inappropriate  
25 and outdated IEP, ensuring that his needs were not met.

26 **Due Process Case**

27 22. On February 1, 2024, Plaintiff filed a Request for Due Process Hearing with the Office of  
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1 Administrative Hearings (“OAH”), naming both LAUSD and Accelerated as respondents  
2 and seeking an administrative due process hearing pursuant to 20 U.S.C. § 1415(f). This  
3 case was assigned OAH Case No. 2024020026 (“Due Process Case”). The case alleged  
4 that A.C.’s October 11, 2022 IEP failed to meet his disability-related needs, the spring  
5 2023 assessments were deficient, and the decision to terminate A.C.’s IEP on or about  
6 June 8, 2023 was improper.

7 23. On February 20, 2024, LAUSD provided Plaintiff with a Response to Plaintiff’s Request  
8 for Due Process Hearing via e-mail. In the Response, LAUSD assumed responsibility for  
9 the offer of a free and appropriate public education made via A.C.’s IEP. The Response  
10 did not allege that LAUSD was not the local educational agency responsible for A.C.’s  
11 special education program.

12 24. On February 20, 2024, Plaintiff dismissed Accelerated as a party to the Due Process Case.

13 25. On March 5, 2024, Plaintiff and LAUSD filed with OAH a Joint Request for Mediation.  
14 Plaintiff and LAUSD participated in mediation on May 29, 2024.

15 26. On July 9, 2024, Plaintiff filed a Pre-Hearing Conference Statement and LAUSD filed  
16 both a Pre-Hearing Conference Statement and a “Motion to Dismiss Be Dismissed As A  
17 Party” (sic) with OAH, *in which for the first time* LAUSD argued it was not a proper party  
18 to the case. On July 11, 2024, Plaintiff filed an Opposition to LAUSD’s Motion to  
19 Dismiss.

20 27. On July 12, 2024, Plaintiff and LAUSD attended a Pre-Hearing Conference in the Due  
21 Process Case, held by Administrative Law Judge (“ALJ”) Ted Mann. ALJ Mann ordered  
22 further briefing on the issue raised in LAUSD’s Motion to Dismiss, whether LAUSD was  
23 the local educational agency responsible for A.C.’s special education program. ALJ Mann  
24 informed the parties that he would hear evidence on the issue on the first day of hearing  
25 and, subsequently, make a determination on the issue on the record. Depending on the  
26 outcome, the hearing would either end after the first day or proceed with respect to the  
27 issues raised in Plaintiff’s Request for Due Process Hearing.

- 1 28. On or about July 12, 2024, OAH issued an Order Following Pre-Hearing Conference  
2 which outlined ALJ Mann’s requirements for the additional briefing and placed the  
3 burden of proof for this issue on Plaintiff.
- 4 29. On or about July 17, 2024, OAH reassigned the ALJ in the Due Process Case, removing  
5 ALJ Mann and assigning ALJ Kara Hatfield.
- 6 30. On July 18, 2024, LAUSD filed with OAH its unamended February 20, 2024 Response to  
7 Plaintiff’s Request for Due Process Hearing, again reiterating that it was responsible for  
8 provision of special education services to A.C.
- 9 31. On July 19, 2024, Plaintiff and LAUSD filed with OAH the additional briefing on  
10 LAUSD’s Motion to Dismiss ordered by ALJ Mann.
- 11 32. On July 22, 2024, OAH convened the first day of hearing in the Due Process Case and  
12 heard arguments and testimony on LAUSD’s Motion to Dismiss. No evidence was  
13 presented, nor were the parties allowed to present evidence, regarding the issues raised in  
14 Plaintiff’s Request for Due Process Hearing. At the conclusion of the first day of hearing,  
15 ALJ Hatfield ordered a third set of briefs on the issue of whether LAUSD was the local  
16 educational agency responsible for A.C.’s special education program. ALJ Hatfield  
17 continued all further hearing dates pending a determination on this issue.
- 18 33. On July 26, 2024, Plaintiff and LAUSD filed with OAH the supplemental briefing ordered  
19 by ALJ Hatfield.
- 20 34. On August 8, 2024, ALJ Hatfield rendered a decision in the Due Process Case  
21 (“Decision”) pursuant to 20 U.S.C. § 1415(h)(4), finding that LAUSD was not responsible  
22 for providing A.C. with a free and appropriate public education. ALJ Hatfield dismissed  
23 LAUSD as a party to the Due Process Case and, because there were no remaining  
24 respondents, dismissed the Due Process Case.
- 25 35. The ALJ applied an improper standard in determining whether Accelerated was a local  
26 educational agency or a public school of a local educational agency and consequently  
27 whether Accelerated or LAUSD was responsible for A.C.’s special education program,  
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1 basing the determination on factors not included in the analysis outlined under the IDEA  
2 and California Education Code. The ALJ’s decision was in addition based on her own  
3 independent research conducted on the internet, while ignoring or discounting the vast  
4 majority of Plaintiff’s evidence.

5 **FIRST CLAIM FOR RELIEF**

6 *Judicial Review of Administrative Decision under the IDEA*

7 *(20 U.S.C. § 1400 et seq.)*

- 8 36. Plaintiff refers to, and incorporates by reference, all the preceding paragraphs as though  
9 fully set forth herein.
- 10 37. The IDEA guarantees “a substantively adequate program of education to all eligible  
11 children.” *Andrew F. v. Douglas County Sch. Dist.*, 580 U.S. 386, 394 (2017) citing *Bd. of*  
12 *Educ. V. Rowley*, 458 U.S. 176, 200-202 (1982).
- 13 38. When a charter school is deemed a public school of a local educational agency, the local  
14 educational agency “that granted the charter shall ensure that all children with disabilities  
15 enrolled in the charter school” receive special education in a manner consistent with their  
16 IEP and in compliance with the IDEA and implementing regulations. Cal. Educ. Code §  
17 47646(a). The local educational agency who granted the charter must serve children with  
18 disabilities attending those charter schools in the same manner that it serves children with  
19 disabilities in other public schools of the local educational agency. 34 C.F.R. §  
20 300.209(b)(1)(i); Cal Educ. Code § 47646(a).
- 21 39. Plaintiff is aggrieved by the Decision in this matter because the ALJ improperly  
22 determined that LAUSD was not responsible for ensuring that A.C. received special  
23 education in compliance with the IDEA and, consequently, barred Plaintiff from seeking  
24 relief from the entity responsible for his special education program.
- 25 40. The ALJ based the Decision on evidence and testimony presented by both parties and on  
26 information presented by neither party but found independently by the ALJ on the  
27 internet, of which she took judicial notice.



1 41. The ALJ failed to address relevant evidence presented by Plaintiff, including that the  
2 Memorandum of Understanding stated that both LAUSD and Accelerated shall be named  
3 as respondents in a proceeding brought under the IDEA.

4 42. The ALJ applied an improper standard in determining whether Accelerated was a local  
5 educational agency or a public school of a local educational agency and consequently  
6 whether Accelerated or LAUSD was responsible for A.C.'s special education program,  
7 basing the determination on factors not included in the analysis outlined under the IDEA  
8 and California Education Code.

9 43. The ALJ erroneously disregarded LAUSD's waiver of the defense that it was not the  
10 responsible local educational agency when it responded to Plaintiff's Request for Due  
11 Process Hearing assuming responsibility on February 20, 2024 and again on July 18,  
12 2024.

13 44. Finally, the ALJ misstated, ignored, or otherwise disregarded evidence supporting a  
14 determination that LAUSD was the local educational agency responsible for A.C.'s  
15 special education program in favor of unsubstantiated information not in the record nor  
16 presented by either party.

17 45. Thus, the ALJ's Decision was contrary to law and the evidence in the record. As such  
18 Plaintiff seeks all appropriate equitable relief including but not limited to a determination  
19 on the merits and award of appropriate compensatory educational services for A.C., or in  
20 the alternative, remand to OAH for the case to proceed against LAUSD. Plaintiff also  
21 seeks all available attorneys' fees and costs for the underlying proceeding and as well as  
22 this matter pursuant to 20 U.S.C. § 1415(i)(3)(B).

23 **PRAYER FOR RELIEF**

24 Plaintiff respectfully requests the following relief:

25 46. Reversal of the ALJ's decision and a determination that LAUSD was the local educational  
26 agency responsible for ensuring that A.C. received a free and appropriate public education  
27 under the IDEA during the relevant time period;

- 1 47. An order for compensatory educational services according to independent expert
- 2 recommendations or in the alternative a remand to the Office of Administrative Hearings
- 3 for hearing on the issues raised in Plaintiff’s Request for Due Process Hearing ;
- 4 48. Costs of suit incurred herein and for the proceeding below, inclusive of attorneys’ fees and
- 5 costs under all applicable law; and
- 6 49. For such other relief as this Court may deem just and proper.

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Date: November 5, 2024

Learning Rights Law Center

/s/ Diana Maltz  
Diana Maltz  
Attorney for Plaintiff