

1 KAREN VAN DIJK, Bar No. 205460  
 2 [Karen.VanDijk@bbklaw.com](mailto:Karen.VanDijk@bbklaw.com)  
 3 JENNIFER C. BROWN, Bar No. 230181  
 4 [Jennifer.brown@bbklaw.com](mailto:Jennifer.brown@bbklaw.com)  
 5 BEST BEST & KRIEGER LLP  
 6 5 Park Plaza  
 7 Suite 1500  
 8 Irvine, CA 92614  
 9 Telephone: (949) 263-2600  
 10 Telecopier: (949) 260-0972

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11 Attorneys for Defendant/Cross Claimant,  
 12 ORANGE COUNTY DEPARTMENT OF  
 13 EDUCATION

14 UNITED STATES DISTRICT COURT  
 15 CENTRAL DISTRICT OF CALIFORNIA

16 IRVINE UNIFIED SCHOOL  
 17 DISTRICT,

18 Plaintiff,

19 v.

20 K.G., an adult student, ORANGE  
 21 COUNTY DEPARTMENT OF  
 22 EDUCATION, and CALIFORNIA  
 23 DEPARTMENT OF EDUCATION,

24 Defendants.

25 Case No. CV10-01431 JVS (ANx)  
 26 Judge: Hon. James V. Selna

27 **JUDGMENT**

1 This action was heard by the Court on November 8, 2010, on the following  
2 Motions:

- 3 • Plaintiff Irvine Unified School District's ("IUSD") Motion for  
4 Summary Judgment;
- 5 • Defendant K.G., *et al.*'s Motion for Summary Judgment;
- 6 • Defendant/Cross-Claimant Orange County Department of Education's  
7 ("OCDE") Motion for Summary Judgment; and
- 8 • Defendant California Department of Education's ("CDE") Motion for  
9 Summary Judgment.

10 All parties appeared through counsel, as reflected by the record. The Court,  
11 having reviewed the Motions, the Consolidated Oppositions, and Consolidated  
12 Replies, and having heard argument and good cause appearing, hereby ENTERS  
13 JUDGMENT as follows:

14  
15 1) Judgment is entered in favor of OCDE and IUSD, in favor of K.G. as  
16 against CDE only, and against CDE;

17 2) The Decision rendered by the administrative law judge following the  
18 November 30, 2009 hearing of the Office of Administrative Hearings ("OAH") in  
19 Consolidated Case Nos. 2009090943 and 2009100565 is hereby reversed, in part,  
20 with respect to its finding that CDE was not responsible for implementing and  
21 funding K.G.'s education in an out-of-state residential treatment center ("RTC")  
22 following his release from the Orange County Juvenile Hall in October and  
23 December 2007 through the present;

24 3) CDE is the entity entirely responsible for implementing and funding  
25 K.G.'s out-of-state RTC placement, consistent with his individual education  
26 program and all that it encompasses, for the period of October 26, 2007 through the  
27 date that he graduates high school or his twenty-second birthday, whichever occurs  
28 first. This obligation includes, but is not limited to, funding K.G.'s tuition and

1 related services for his out-of-state RTC placement at Daystar, as well as any  
2 transportation and visitation costs associated with that placement;

3 4) As of October 26, 2007, OCDE did not have, and OCDE does not now  
4 have, any obligation to implement or fund any portion of K.G.'s IEP that placed  
5 K.G. in an out-of-state residential treatment facility, including his out-of-state RTC  
6 placement at the residential treatment facility at Daystar;

7 5) CDE is ordered to reimburse OCDE in the amount of \$59,185.52 for  
8 the educationally-related costs that OCDE has expended for B.P.'s educational  
9 program from October 26, 2010 through the present;

10 6) OCDE and IUSD are prevailing parties for purposes of the underlying  
11 administrative action and the instant appeal thereof;

12 7) K.G. is the prevailing party as against CDE only for purposes of the  
13 underlying administrative action and the instant appeal thereof;

14 8) OCDE, IUSD, and K.G. shall recover their reasonable costs of suit  
15 herein as against CDE;

16 9) This Court retains jurisdiction over the parties to the extent necessary  
17 to allow OCDE to obtain reimbursement from CDE, as described herein; and

18 10) This Court retains jurisdiction over the parties to the extent necessary  
19 to allow K.G. to obtain prevailing party attorney's fees from CDE pursuant to the  
20 Individuals with Disabilities Education Act for purposes of the underlying  
21 administrative action and the instant appeal hereof.

22  
23 Dated: November 30, 2010



24  
25 By: \_\_\_\_\_  
26 HON. JAMES V. SELNA  
27 UNITED STATES DISTRICT JUDGE  
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