BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SIMI VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026010936

ORDER DISMISSING STUDENT'S ISSUE BASED ON A VIOLATION OF EDUCATION CODE SECTION 48903 FOR LACK OF JURISDICTION AND VACATING THE NON-EXPEDITED DATES

MARCH 26, 2026

On January 27, 2026, Parent on behalf of Student filed a due process hearing request with the Office of Administrative Hearings, called OAH, naming Simi Valley Unified School District. OAH designated this matter as a dual case with both expedited and non-expedited issues.

The hearing on the expedited claims was scheduled to begin on February 24, 2026. The prehearing conference on the non-expedited claims was scheduled for

March 6, 2026, and the hearing on the non-expedited claims was set for March 17 through 19, 2026.

THE EXPEDITED PREHEARING CONFERENCE

On February 13, 2026, Administrative Law Judge Cynthia Fritz held an expedited prehearing conference, and determined which issues were expedited claims and orally indicated that the first issue listed in Student's complaint regarding Student's change of placement which was based on a violation of Education Code section 48903 was a non-expedited claim. An Administrative Law Judge is called an ALJ. OAH issued an Order Following Expedited Prehearing Conference dated February 13, 2026, setting forth the issues to be determined during the expedited hearing. The Order specifically stated that the ALJ conducting the hearing had discretion to reconsider any part of the February 13, 2026 Order.

THE EXPEDITED HEARING

On February 24 through 26, 2026, the expedited hearing began but was not concluded, ALJ Laurie Gorsline, presiding. During the discussion of the pending issues, ALJ Gorsline stated that it did not appear OAH had jurisdiction of the first issue listed in Student's complaint regarding Student's change of placement because it was based on a violation of Education Code section 48903. District's attorney indicated that the issue was discussed during the expedited prehearing conference. ALJ Gorsline stated that she would review the recording of the prehearing conference to understand the discussion that was had about that issue during the prehearing conference and revisit the issue of dismissing that claim based on OAH's lack of jurisdiction. Also, during the expedited hearing, Student withdrew Issue 2B listed in the Order Following Expedited Prehearing Conference.

On February 26, 2026, after reviewing the recording of the prehearing conference and further consideration of the matter, ALJ Gorsline reiterated that it did not appear OAH had jurisdiction to adjudicate Student's first claim regarding a change in placement because it was based on a violation of Education Code section 48903 and OAH did not have jurisdiction to determine violations of Education Code section 48903. However, ALJ Gorsline stated she wanted to give the parties the opportunity to file written argument and orally argue the issue before making a final determination as to whether the first issue in Student's complaint would be dismissed for lack of jurisdiction.

By written order dated February 26, 2026, the ALJ scheduled the last day of the expedited hearing for March 17, 2026, at 9:30 AM. The ALJ also set a deadline of March 10, 2026, by 5:00PM for the parties to file any written argument regarding whether the OAH has jurisdiction to adjudicate Student's first issue regarding a change of placement in violation of Education Code section 48903, and ordered that any oral argument on this issue take place on March 17, 2026, when the parties returned for the last day of expedited hearing. The ALJ also continued the non-expedited prehearing conference to April 6, 2026, at 1:00 PM, and the non-expedited due process hearing to April 14 through 16, 2026.

On February 26, 2026, Student filed a Statement of Jurisdictional Authority. On March 10, 2026, Student filed a Supplemental Brief Regarding Jurisdiction. On March 10, 2026, District filed its brief regarding OAH's lack of jurisdiction. On March 11, 2026, Student filed Opposition to District's brief.

THE HEARING ON MARCH 17, 2026

On March 17, 2026, the last day of the expedited hearing took place. The ALJ informed the parties she had reviewed the papers filed by the parties. The parties also

had the opportunity to orally argue their positions regarding OAH's jurisdiction over the first issue in Student's complaint based on a violation of Education Code section 48903. At the conclusion of the discussion about this issue and after reviewing the papers, the ALJ determined OAH did not have jurisdiction of the claim because it was based on a violation of Education Code section 48903 which is outside of its jurisdictions, as further explained below.

DISCUSSION

The purpose of the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.) is to "ensure that all children with disabilities have available to them a free appropriate public education," and to protect the rights of those children and their parents. (20 U.S.C. § 1400(d)(1)(A), (B), and (C); see also Ed. Code, § 56000.) A party has the right to present a complaint "with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child." (20 U.S.C. § 1415(b)(6); Ed. Code, § 56501, subd. (a) [party has a right to present a complaint regarding matters involving proposal or refusal to initiate or change the identification, assessment, or educational placement of a child; the provision of a free appropriate public education to a child; the refusal of a parent or guardian to consent to an assessment of a child; or a disagreement between a parent or guardian and the public education agency as to the availability of a program appropriate for a child, including the question of financial responsibility].) The jurisdiction of OAH is limited to these matters. (*Wyner v. Manhattan Beach Unified School. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

Title 20 United States Code section 1415(k), and title 34 Code of Federal Regulations part 300.530, et seq., govern the discipline of special education students. (Ed. Code, § 48915.5.) A student receiving special education services may be suspended

or expelled from school as provided by federal law. (20 U.S.C. § 1412(a)(1)(A); Ed. Code, § 48915.5, subd. (a).) If a special education student violates a code of student conduct, school personnel may remove the student from his or her educational placement without providing services for a period not to exceed 10 days per school year, provided typical children are not provided services during disciplinary removal. (20 U.S.C. § 1415(k)(1)(B); 34 C.F.R. § 300.530(b)(1) & (d)(3).)

A parent of a child with a disability who disagrees with any decision by a school district regarding a change in educational placement of the child based upon a violation of a code of student conduct, or who disagrees with a manifestation determination made by the district, may request and is entitled to receive an expedited due process hearing. (20 U.S.C. § 1415(k)(3)(A); 34 C.F.R. § 300.532(a) (2006). An expedited due process hearing before OAH must begin within 20 school days of the date the complaint requesting the hearing is filed. (20 U.S.C. § 1415(k)(4)(B); 34 C.F.R. § 300.532(c)(2).)

Here, although Student couches the first issue listed in his complaint as a denial of a free appropriate public education, or FAPE, this issue challenges District's disciplinary change of Student's placement in violation of the 20-day period in Education Code section 48903. This statute applies to general education students, and as such, OAH does not have jurisdiction to adjudicate a claim based on a violation of this statute. OAH adjudicates disputes regarding placement based on the violation of applicable special education law. When a student challenges a disciplinary change of placement exceeding 10 days, it is not considered a change of placement FAPE claim. Instead, under the IDEA, such disciplinary removals are governed by the requirements of Title 20 United States Code section 1415(k), and Title 34 Code of Federal Regulations part 300.530, et seq. In contrast to a claim based on a violation of Education Code section 48903 over which OAH has no jurisdiction, OAH has jurisdiction to adjudicate

disputes regarding disciplinary removals which are premised on a violation of Title 20 United States Code section 1415(k), and Title 34 Code of Federal Regulations part 300.530, et seq. For example, Student's "basis of knowledge" claim listed in the Order Following Expedited Prehearing Conference will be decided as part of the expedited portion of the case based on the applicable provisions of Title 20 United States Code section 1415(k), and Title 34 Code of Federal Regulations part 300.530, et seq.

Student's first issue listed in his complaint does not allege a violation of the IDEA or its implementing regulations governing disciplinary changes of placement for special education students. Instead, Student alleges District violated Education Code section 48903 because his disciplinary removal exceeded that statute's 20-day statutory maximum. OAH does not have jurisdiction to adjudicate violations of Education Code 48903, and therefore it has no jurisdiction to adjudicate claims based on a violation of Education Code section 48903. Student cannot confer jurisdiction on OAH to adjudicate violations of statutes for which it does not have jurisdiction by labeling the claim as a denial of FAPE as that term is defined under the IDEA. Accordingly, Student's first claim labeled in his complaint as "COMPLAINT NUMBER 1," is dismissed for lack of jurisdiction.

Student's "COMPLAINT NUMBER 1" was the only non-expedited claim to be adjudicated during the non-expedited hearing set for April 14 through 16, 2026. Given that claim is now dismissed, there is no longer a need for a non-expedited hearing. Both the non-expedited prehearing conference scheduled for April 6, 2026, and the non-expedited due process hearing scheduled for April 14 through 16, 2026, are vacated.

ORDER

1. Student's first claim labeled in his complaint listed on the Supplement to Due Process Complaint as "COMPLAINT NUMBER 1," is dismissed.
2. All remaining issues, specifically those listed in the Order Following Expedited Prehearing Conference, will be addressed in the Expedited Decision yet to be issued except for Issue 2B which was withdrawn by Student.
3. The non-expedited prehearing conference scheduled on April 6, 2026, is vacated.
4. The non-expedited due process hearing scheduled for April 14 through 16, 2026, is vacated.

IT IS SO ORDERED.

Laurie Gorsline

Laurie Gorsline
Administrative Law Judge
Office of Administrative Hearings