BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. OXNARD SCHOOL DISTRICT.	OAH Case No. 2018090070 ORDER TO SHOW CAUSE: ISSUES IN COMPLAINT

On August 30, 2018, Student filed a Due Process Hearing Request (complaint) with the Office of Administrative Hearings, naming Oxnard School District. In the complaint, Student alleged facts regarding Oxnard's purported failure to timely locate and assess Student for eligibility to receive special education services, and that the proposed assessment plan would not assess Student in all areas of suspected disability.[1] Student's complaint also contends that this matter should be certified a class action on behalf of similarly situated students in the school district for whom Oxnard has denied a free appropriate public education under the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.), and also violations of the Americans with Disabilities Act (Title 42 U.S.C. §§ 1201, et seq.), and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.).

APPLICABLE LAW

The purpose of the IDEA 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 FAPE 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

[1] In the complaint, Student does not explicitly allege that she is eligible for special education services, although it is inferred the she is eligible by the allegation that Oxnard should have developed an individualized educational program for her.

responsibility].) The jurisdiction of OAH is limited to these matters. (*Wyner v. Manhattan Beach Unified Sch. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

ORDER TO SHOW CAUSE

The jurisdiction of OAH is limited to the authority granted to it by Federal and California law. Student's complaint apparently requests relief that OAH does not have jurisdiction to decide, such as class action litigation, the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. Therefore, Student and Oxnard are ordered to show cause what claims, if any, in Student's complaint that OAH has jurisdiction to decide. **Student and Oxnard are ordered to file a written response with OAH by no later than 5:00 p.m. on September 18, 2018, as to OAH's jurisdiction over Student's complaint. Any reply brief shall be filed no later than 5:00 p.m. on September 21, 2018.** A copy of the response and reply brief shall be served upon the opposing party. OAH will issue a written order after receipt of the party's response and reply briefs as to the order to show cause.

IT IS SO ORDERED.

DATE: September 13, 2018

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Peter Paul Castillo
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PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings