BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

GLENDALE UNIFIED SCHOOL DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH CASE NUMBER 2025100593

ORDER DENYING MOTION TO COMPEL INDEPENDENT EDUCATIONAL EVALUATION; ORDER DENYING MOTION TO DISMISS

NOVEMBER 19, 2025

On October 16, 2025, Glendale Unified School District, called Glendale Unified, filed a request for due process hearing, referred to as a complaint, with the Office of Administrative Hearings, called OAH, naming Parents on behalf of Student.

On November 12, 2025, Student filed a motion to compel Glendale Unified to fund an independent educational evaluation at public expense and to dismiss the complaint. Student argues that Glendale Unified unreasonably delayed in filing its complaint following its August 4, 2025, prior written notice declining to fund Parents' request for an independent educational evaluation in psychoeducation. Student further

argues that Glendale Unified's complaint should be dismissed because it was untimely and Glendale Unified improperly relied on the mediation process to postpone filing its complaint.

On November 13, 2025, Glendale Unified filed an opposition to Student's motion. Glendale Unified argued that it acted reasonably in responding to Student's request for an independent educational evaluation, including ongoing communications with Parents and participating in mediation on September 19, and October 3, 2025. Glendale Unified asserted it filed for due process on October 16, 2025, and within two weeks of the parties reaching an impasse regarding Parents' request for an independent educational evaluation. Glendale Unified argued that OAH lacks jurisdiction to dismiss its complaint prior to holding an evidentiary hearing or to issue summary judgment.

Glendale Unified argued that parents alleged information obtained through the mediation process in violation of the confidentiality privileges applicable to mediation. Parents disputed that they offered communications pertaining to the confidential mediation. Neither party revealed the substance of any discussions held at mediation and this order is not based on any communications intentionally or inadvertently revealed concerning the parties' communications in mediation.

The Individuals with Disabilities Education Act, called IDEA, affords parents and local educational agencies the procedural protection of an impartial due process hearing with respect to any matter relating to the identification, assessment, or educational placement of the child, or the provision of a free appropriate public education, called FAPE, to the child. (20 U.S.C. § 1415(b)(6) & (f); 34 C.F.R. § 300.511; Ed. Code, §§ 56501, 56502, and 56505; Cal. Code Regs., tit. 5, § 3082.)

The purpose of the IDEA is to "ensure that all children with disabilities have available to them a [FAPE]," 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 [FAPE] 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 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.)

OAH will grant motions to dismiss allegations that are facially outside of OAH jurisdiction such as civil rights claims under other disability laws such as the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, enforcement of settlement agreements, or incorrect parties. Special education law does not provide for summary judgment, a type of procedure that allows for a ruling on the merits without an evidentiary hearing.

A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by a local educational agency. (34 C.F.R. § 300.502(b)(1); Ed. Code, § 56329, subd. (b).) When a parent requests an independent educational evaluation, the local educational agency must, without unnecessary delay, either file a request for due process hearing to show that the assessment is appropriate or ensure that an independent educational assessment is

provided at public expense. (34 C.F.R. § 300.502(b)(2); Ed. Code, § 56329, subd. (c).) OAH does not have jurisdiction to order an local educational agency to fund an independent educational evaluation before an evidentiary due process hearing occurs.

Here, OAH does not have jurisdiction at this preliminary stage to issue an order directing Glendale Unified to fund an independent psychoeducational evaluation or to dismiss Glendale Unified's complaint on the basis it was untimely filed. Rather, the determination of whether Glendale Unified should have funded an independent educational evaluation or if it acted without unnecessary delay before requesting a due process hearing raises mixed questions of law and fact that must be determined in an evidentiary hearing.

Accordingly, Student's motion for an order compelling Glendale Unified to fund an independent educational evaluation or dismiss Glendale Unified's complaint is denied. This Order is without prejudice to Parents' right at the due process hearing to challenge the legal adequacy of Glendale Unified's psychoeducational assessment and Student's entitlement to an independent educational evaluation, and offer evidence relating to the timeliness of Glendale Unified's filing of its complaint. Summary adjudication of these issues is not appropriate, and the resolution of these claims must be determined following an evidentiary hearing. Accordingly, Student's motion is denied.

ORDER

1. Student's motion to compel Glendale Unified to fund an independent educational evaluation is denied.
2. Student's motion to dismiss Glendale Unified's complaint is denied.
3. This matter will proceed as currently scheduled.

Jennifer Kelly

Jennifer Kelly

Administrative Law Judge

Office of Administrative Hearings