BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

ALHAMBRA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025070041

ORDER DENYING MOTION TO DISMISS ISSUES FOR LACK OF JURISDICTION

SEPTEMBER 15, 2025

On August 25, 2025, Parent filed a motion to compel records and notice of retaliation. Alhambra Unified School District did not file a response.

In Student's motion, Parent requested the Office of Administrative Hearings, called OAH, compel Alhambra Unified School District to produce documents to Los Angeles Unified School District to facilitate a transfer. Student also claimed that Alhambra Unified School District's delay in producing the documents to Los Angeles Unified School District is retaliation.

APPLICABLE LAW

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.)

OAH also does not have jurisdiction to decide claims based on Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.), Section 1983 of Title 42 United States Code, the Americans with Disability Act (42 U.S.C. §§ 12101, et seq.), or the Unruh Civil Rights Act (Civ. Code, § 51).

DISCUSSION

OAH does not have jurisdiction to provide the relief requested by Parent. OAH does not have jurisdiction to issue discovery type orders requiring a party to produce documents to a non-party outside of the subpoena process, and to produce documents

by a party before a hearing, or to facilitate a transfer. This issue is not before OAH and is not within OAH's jurisdiction. As well, retaliation claims are not within OAH's jurisdiction. Student may consider seeking remedies for these issues from the correct forum. To the extent that the documents at issue are material to a claim properly before OAH, that dispute presents a question of fact to be adjudicated at hearing. Accordingly, Student's motion to compel records and retaliation is denied.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings