BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENT ON BEHALF OF STUDENT,

v.

CHAFFEY JOINT UNION HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2021030191

ORDER GRANTING MOTION TO DISMISS ISSUES 7(a), 7(b) AND 7(c) FOR LACK OF JURISDICTION

MARCH 19, 2021

On March 4, 2021, Student filed a request for due process hearing, referred to as a complaint, with the Office of Administrative Hearings, naming Chaffey Joint Union High School District. The Office or Administrative Hearings is referred to as OAH.

On March 15, 2021, Chaffey filed a motion to dismiss Student's Issues 7(a), 7(b) and 7(c) alleging OAH lacks jurisdiction to adjudicate those claims. On March 18, 2021, Student filed an opposition.

APPLICABLE LAW

The purpose of the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.), also called the IDEA, is to ensure that all children with disabilities have available to them a free appropriate public education, called a FAPE. The IDEA also protects 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).) 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 does not have jurisdiction to decide claims based on the Americans with Disability Act (42 U.S.C. §§ 1201, et seq.), called the ADA, Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.), called Section 504, or civil rights enforced under Section 1983 of Title 42 United States Code, called Section 1983.

DISCUSSION

Student alleges in eight issues that Chaffey denied Student a FAPE from March 2019 through the end of the 2020-2021 school year by failing to assess him in all areas of need, failing to identify all his areas of need or draft appropriate goals, and failing to offer appropriate special education and services. Student also alleges that Chaffey failed to implement Student's individualized education program, or IEP, with in-person services during the COVID-19 pandemic from March 2020 forward. At Issues 7(a), 7(b) and 7(c), Student alleges that Chaffey retaliated against Parents for filing a class action

against Chaffey based on a denial of Student's civil rights, which violated Student's and Parent's rights under the ADA, Section 504 and the United States constitution, as enforced through Section 1983.

Chaffey asserts that OAH lacks jurisdiction over these non-IDEA claims. Student contends that Chaffey's conduct simultaneously denied Student a FAPE, and therefore OAH may also adjudicate if the alleged conduct violated related civil rights statutes.

OAH does not have jurisdiction to resolve the civil claims at Issues 7(a), 7(b) and 7(c). The inquiry at hearing will be limited to whether Chaffey's actions or inactions were procedural or substantive violations of the IDEA and denied Student a FAPE.

Accordingly, Issues 7(a), 7(b) and 7(c) are dismissed. The matter will proceed as scheduled as to the remaining issues.

IT IS SO ORDERED.

Alexa Hohensee

Alexa Hohensee
Administrative Law Judge
Office of Administrative Hearings