

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OAKLAND UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014010942

ORDER AFTER STATUS
CONFERENCE DISMISSING CASE

On May 2, 2014, the parties informed the Office of Administrative Hearings that this case settled. Since the school district's board had to approve the agreement, OAH scheduled a status conference for June 25, 2014. Both parties appeared through counsel.

District's attorney stated that the Board approved the settlement agreement. Student's attorney stated she did not want the case to be dismissed. She explained that because of the delay in getting the agreement approved, the agreement was moot. She stated that her client would not have entered into the agreement if she knew that it would take so long for the agreement to be approved. Student's attorney expressed concern that no arrangements have been made for Student's placement and services for the upcoming school year.

District's attorney responded that District entered into a contract for services and is dedicated to working to resolve Student's concerns. In addition, she argued that some of Student's concerns involve enforcement of the agreement, and OAH does not have authority in that area.

The parties agree that the settlement agreement addressed the issues Student raised in the request for hearing. They also agree that the settlement agreement provided that after the school district's board approved the agreement, Student would dismiss the case with prejudice.

APPLICABLE LAW AND DISCUSSION

Parents have 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).) OAH has jurisdiction to hear due process claims arising under the Individuals with Disabilities Education Act (IDEA). (*Wyner v. Manhattan Beach Unified Sch. Dist.* (9th

Cir. 2000) 223 F.3d 1026, 1028-1029.) This limited jurisdiction does not include jurisdiction over claims alleging a school district's failure to comply with a settlement agreement. (*Id.* at p. 1030.)

To the extent that Student's claims address enforcement of the settlement agreement, OAH does not have jurisdiction. To the extent Student seeks to challenge the validity of the agreement, or raise other contract claims, OAH does not have jurisdiction. The parties entered into an agreement to resolve this case and the agreement has been approved the District's governing board. Accordingly, this matter is dismissed with prejudice.

IT IS SO ORDERED.

Dated: July 17, 2014

/s/
JUDITH A. KOPEC
Division Presiding Administrative Law Judge
Office of Administrative Hearings