

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE MATTER OF:  
PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2021080419

ORDER DENYING MOTION TO COMPEL

SEPTEMBER 15, 2021

On August 24, 2021, the Office of Administrative Hearings issued an Order granting stay put, specifically ordering Los Angeles to implement Student's last agreed upon and implemented February 10, 2021 IEP, which in relevant part included behavioral services in the form of one-to-one behavior intervention implementation for 1950 minutes a week. The Office of Administrative Hearings is called OAH.

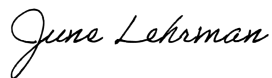
On September 9, 2021, Student filed a Motion to Compel, seeking an order from OAH "compelling [Los Angeles] to provide [Student] with the behavior intervention implementation as ordered." More specifically Student asked OAH to "order [Los Angeles] to provide proof of implementation of the BII services by September 11, 2021 and order a hearing for the District by September 15, 2021 to show cause why the

services have not been provided.” Student submitted declarations to the effect that the services have not been provided.

On September 14, 2021, Los Angeles opposed, contending that the services have indeed been provided, and submitting declarations and documents attempting to establish that as fact.

The factual dispute between the parties cannot be resolved via motion practice. Moreover, OAH lacks jurisdiction to enforce its own orders. (See *Wyner ex rel. Wyner v. Manhattan Beach Unified Sch. Dist.*, 223 F.3d 1026, 1030 (9th Cir. 2000) (*Wyner*). *Wyner* held that the special education hearing office does not have jurisdiction to enforce their own final hearing decisions. Student contends that *Wyner* does not apply here, because “a stay put order is not the final hearing decision.” The argument is unconvincing. *Wyner* stands for the general proposition that OAH is not the avenue by which to seek enforcement of its orders. Other than distinguishing *Wyner* on these facts, Student cites no affirmative authority that OAH’s jurisdiction extends to the requested relief. For these reasons, the Motion is therefore denied.

IT IS SO ORDERED.



June Lehrman

Administrative Law Judge

Office of Administrative Hearings