

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT, STATE OF CALIFORNIA,
CALIFORNIA STATE BOARD OF EDUCATION, AND
CALIFORNIA DEPARTMENT OF EDUCATION.

OAH CASE NUMBER 2021090673

ORDER DISMISSING CALIFORNIA STATE BOARD OF
EDUCATION AND CALIFORNIA DEPARTMENT OF
EDUCATION FOR LACK OF JURISDICTION

OCTOBER 5, 2021

On September 21, 2021, Parent on behalf of Student filed a Due Process Hearing Request against Los Angeles Unified School District, State of California, California State Board of Education, and California Department of Education, with the Office of Administrative Hearings, called OAH.

APPLICABLE LAW

There is no summary judgment procedure in special education cases. OAH will, however, dismiss allegations and cases not within its jurisdiction. OAH has jurisdiction only over claims alleging violations under the Individuals with Disabilities Education Act, referred to as IDEA, or California special education laws. (*Wyner v. Manhattan Beach Unified Sch. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029.)

Student raises three issues. The first issue alleges violations under the IDEA and is pled only as to Los Angeles Unified School District. Issue two alleges violations under the Americans with Disabilities Act, 42 U.S.C. § 12131. Issue three alleges violations under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794. Issues two and three are pled only as to State of California, California State Board of Education, and California Department of Education. OAH does not have jurisdiction over issues under Section 504 or the Americans with Disabilities Act. As such, Student has not raised any viable issues under OAH's jurisdiction against California State Board of Education and California Department of Education and both parties are dismissed.

ORDER

Student's due process hearing request against California State Board of Education and California Department of Education is dismissed because OAH does not have jurisdiction over issues alleged against these parties.

This matter shall proceed against Los Angeles Unified School District and State of California as presently scheduled.

IT IS SO ORDERED.

Cararea Lucier

Cararea Lucier

Administrative Law Judge

Office of Administrative Hearings