

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

IN THE MATTER OF:  
PARENTS ON BEHALF OF STUDENT,

v.

LOS ANGELES COUNTY OFFICE OF EDUCATION.

OAH CASE NUMBER 2021090842

ORDER GRANTING MOTION TO DISMISS ISSUE 4  
FOR LACK OF JURISDICTION

OCTOBER 6, 2021

On September 24, 2021, Student filed a Request for Due Process Hearing, referred to as a complaint, with the Office of Administrative Hearings, naming Los Angeles County Office of Education. The Office of Administrative Hearings is referred to as OAH.

On October 4, 2021, Los Angeles County filed a Motion to Dismiss alleging OAH lacks jurisdiction to adjudicate certain issues alleged in the complaint. On October 5, 2021, Student filed a statement of non-opposition.

## 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 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. §§ 1201, et seq.), or the Unruh Civil Rights Act (Civ. Code, § 51).

## DISCUSSION

Student alleges as Issue 4 that Los Angeles County violated the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. OAH does not have jurisdiction to resolve these claims. Accordingly, Issue 4 is dismissed.

## ORDER

Los Angeles County's Motion to Dismiss is granted as to Issue 4. The matter will proceed as scheduled as to the remaining issues.

IT IS SO ORDERED.

*Kara Hatfield*

Kara Hatfield

Administrative Law Judge

Office of Administrative Hearings