

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 2022010551

ORDER GRANTING MOTION TO DISMISS ISSUES FOR
LACK OF JURISDICTION

FEBRUARY 15, 2022

On January 19, 2022, Student filed a request for due process hearing, referred to as a complaint, with the Office of Administrative Hearings, naming Los Angeles Unified School District. The Office of Administrative Hearings is referred to as OAH.

On February 9, 2022, Los Angeles filed a motion to dismiss alleging OAH lacks jurisdiction to adjudicate Issues 2 and 3 alleged in the complaint. OAH received no response from Student.

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, called a FAPE, 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 FAPE 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 Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.)(Section 504), 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).

Student alleges at Issue 1 that the actions and inactions of Los Angeles violated the IDEA and California special education law. However, at Issues 2 and 3, Student alleges that these same actions and inactions violated the Americans with Disability Act and Section 504, respectively. OAH does not have jurisdiction to resolve these claims. Accordingly, Issues 2 and 3 are dismissed. The matter will proceed as scheduled as to the remaining Issue 1.

IT IS SO ORDERED.

Alexa Hohensee

Alexa Hohensee

Administrative Law Judge

Office of Administrative Hearings