

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2022010555

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, called a complaint, with the Office of Administrative Hearings, called OAH, naming Los Angeles Unified School District. On February 9, 2022, Los Angeles filed a Motion to Dismiss Issues 2 and 3 in the complaint, on the grounds that OAH lacks jurisdiction to decide those issues. Student did not respond to Los Angeles's motion.

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.)

Issue 2 of the complaint alleges violations of the Americans with Disabilities Act (42 U.S.C. §§ 12131, 12132) and Issue 3 alleges violations of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794). OAH does not have jurisdiction to decide these claims. Accordingly, Los Angeles's Motion to Dismiss Issues 2 and 3 is granted. The case will proceed as scheduled with the remaining issue.

IT IS SO ORDERED.

Tara Doss

Tara Doss

Administrative Law Judge

Office of Administrative Hearings