

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

VACAVILLE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024020147

ORDER GRANTING MOTION TO DISMISS ISSUE 12 FOR
LACK OF JURISDICTION

JUNE 24, 2024

On February 5, 2024, Parents on behalf of Student filed a request for due process hearing, called a complaint, with the Office of Administrative Hearings, naming Vacaville Unified School District. The Office of Administrative Hearings will be called OAH. Vacaville Unified School District will be called Vacaville.

On May 13, 2024, Student filed an amended complaint. On June 18, 2024, Vacaville filed a motion to dismiss Issue 12 of the amended complaint as outside of OAH jurisdiction. No response was received from Student.

The purpose of the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et. seq.), called the IDEA, is to ensure that all children with disabilities have available to

them a free appropriate public education, called a FAPE. The purpose of the IDEA is also 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 the 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.), called Section 504, Section 1983 of Title 42 United States Code, the Americans with Disability Act (42 U.S.C. §§ 12101, et seq.), called ADA, the Unruh Civil Rights Act (Civ. Code, § 51), or other state discrimination or civil rights codes.

Student alleges at Issue 12 of the amended complaint that the same actions by Vacaville that denied Student a FAPE, such as alleged failure to timely assess Student or keep him safe from bullying, also violated Student's rights under Section 504, the ADA, and California discrimination and civil rights codes.

The amended complaint acknowledges OAH's limited jurisdiction, and states dismissal is anticipated and the non-IDEA claims are alleged as requisite notice to Vacaville of additional federal and state claims for purposes of administrative exhaustion.

OAH does not have jurisdiction to resolve the claim stated at Issue 12 of the amended complaint. Accordingly, Issue 12 is dismissed. The matter will proceed as scheduled as to the remaining issues.

IT IS SO ORDERED.

Alexa Hohensee

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Administrative Law Judge

Office of Administrative Hearings