

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

SANTA ANA UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024081069

ORDER GRANTING MOTION TO DISMISS ISSUE FOR LACK
OF JURISDICTION

SEPTEMBER 17, 2024

On August 26, 2024, Student filed a Request for Due Process Hearing, referred to as a complaint, with the Office of Administrative Hearings, naming Santa Ana Unified School District, called Santa Ana. The Office of Administrative Hearings is referred to as OAH.

On September 5, 2024, Santa Ana filed a Motion to Dismiss Student's Issue Eleven, alleging OAH lacks jurisdiction to adjudicate this issue. Student did not file a response.

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, or the Americans with Disabilities Act (42 U.S.C. § 12101, et seq.).

DISCUSSION

Student alleges eleven issues in his complaint. Santa Ana asserts OAH lacks jurisdiction over Student’s Issue Eleven, because this issue alleges claims under Section 504 of the Rehabilitation Act of 1973, Section 1983 of Title 42 United States Code, and the Americans with Disabilities Act.

On its face, Student's Issue Eleven alleges discrimination claims under Section 504 of the Rehabilitation Act of 1973, Section 1983 of Title 42 United States Code, and the Americans with Disabilities Act. OAH does not have jurisdiction to resolve these claims. Accordingly, Student's Issue Eleven is dismissed.

ORDER

1. Santa Ana's Motion to Dismiss is granted as to Issue Eleven.
2. The matter will proceed as scheduled as to the remaining issues.

IT IS SO ORDERED.

Ashok Pathi

Ashok Pathi

Administrative Law Judge

Office of Administrative Hearings