

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

MANHATTAN BEACH UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026070244

ORDER DENYING DISMISSAL OF DUE PROCESS REQUEST

JULY 14, 2026

On July 1, 2026, Parents, on behalf of Student, filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Manhattan Beach Unified School District as respondent. On July 9, 2026, Manhattan Beach filed a motion to dismiss Student's case on the grounds that it was premature, and therefore, not ripe for ruling, and that OAH does not have jurisdiction over this claim because it pertains to a general education placement.

There is no summary judgment procedure in special education cases. OAH will, however, dismiss allegations and cases not within its jurisdiction. "Ripeness is a constitutional prerequisite for jurisdiction. we therefore have no jurisdiction to review claims unless they are ripe." (United States v. Streich, (9th Cir.2009) 560 F.3d 926, 931, hereafter *Streich*) If a question is not ripe for review, OAH does not have jurisdiction to

hear it. (see, *Aaron P. v. Hawaii, Dept. of Educ.* (D. Hawaii 2012) 897 F.Supp.2d 1004, 1017.)

OAH has jurisdiction only over claims alleging the Individuals with Disabilities Education Act or California special education laws were violated. Those claims include a proposal or refusal to initiate or change the identification, assessment, or educational placement of the child or the provision of a free appropriate public education to the child. (20 U.S.C. § 1415(b)(7)(A)(ii)(III) & (IV); 34 C.F.R. 300.507; Ed. Code § 56501, subd. (a).)

Here, Student asserts claims related to the May 29, 2026 IEP, including a claim that Student's placement has been changed, and that prior written notice regarding the changed placement was not provided as required by state and federal law. While, the claims were, perhaps, not artfully drafted, Manhattan Beach did not file a notice of insufficiency. Therefore, the claims are deemed sufficient. (20 U.S.C. § 1415 (c)(2)(A); Ed Code § 56502(d)(1).)

As to the question of ripeness, Student alleges that the placement stated in the May 29, 2026, IEP, to which Parents consented, is not the placement she is now being offered. While Manhattan Beach disputes Student's allegations regarding the placement, and the need for a prior written notice, that simply indicates disputed questions of fact exist that must be resolved at hearing. As Manhattan Beach offered the IEP in question, and it is operative now, Student's complaints are not premature.

Manhattan Beach's further argument, that Student's alleged disputes regarding placement do not fall under OAH jurisdiction, as they pertain to a general education placement, is not persuasive. If that was true, no special education student placed in a general education class would have any claim that their IEP was being violated. As

previously noted, the complaint asserts Student's special education placement is being changed, and Student asserts that is a denial of FAPE. Manhattan Beach disagrees that the change of location constitutes a change of placement. This is a mixed question of law and fact. Disputed facts must be resolved at hearing. The fact that an IEP is to be implemented in a general education classroom with supports does not remove it from OAH's jurisdiction. Both issues stated in Student's complaint facially fall within OAH jurisdiction. Manhattan Beach offers no persuasive authority allowing OAH to dismiss Student's claims without hearing. Prior OAH orders and decisions are not precedential. (Cal. Code. Regs. tit. 5, § 3085.)

ORDER

1. Manhattan Beach's request to dismiss Student's claims is denied.
2. This matter shall proceed as presently scheduled.
3. Nothing in this order prevents the ALJ presiding over the prehearing conference from clarifying the issues stated in Student's complaint.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl

Administrative Law Judge

Office of Administrative Hearings