BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SAN FRANCISCO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2025100303

ORDER GRANTING MOTION TO DISMISS ISSUES TWO, AND THREE FOR LACK OF JURISDICTION

MARCH 10, 2026

On October 8, 2025, Student filed a Request for Due Process Hearing, referred to as a complaint, with the Office of Administrative Hearings, naming San Francisco Unified School District, called San Francisco. The Office of Administrative Hearings is referred to as OAH. On February 3, 2026, Student filed a motion to amend the complaint. The order granting motion to amend complaint was issued February 10, 2026.

On February 25, 2026, San Francisco filed a Motion to Dismiss alleging OAH lacks jurisdiction to adjudicate certain issues 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," 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, the Americans with Disability Act (42 U.S.C. §§ 12101, et seq.), or the Unruh Civil Rights Act (Civ. Code, § 51).

Student alleges three issues. San Francisco asserts OAH lacks jurisdiction over Issue one, subpart a, Issue two and Issue three.

Issue one alleges a substantive violation of FAPE and includes subparts a through f. Issue one, subpart a, alleges that San Francisco failed to implement the terms of the February 2, 2023, settlement agreement, on an ongoing basis including the agreed-upon services, placement components and Deaf/Blind access strategies. San Francisco

claims that OAH lacks jurisdiction over Issue one, subpart a, because OAH's limited jurisdiction does not extend beyond the identification, evaluation, educational placement of, or provision of FAPE to a child to claims alleging a district's failure to comply with a settlement agreement. The settlement agreement was not attached to the motion. Moreover, the issue as pled potentially raises a mixed question of law and fact. The failure to implement the terms of the settlement agreement is a subpart of a broader issue that specifically alleges IDEA violations. Thus, at this juncture dismissal for lack of jurisdiction is premature. Nothing in this order prevents San Franciso from renewing the motion after issue clarification or from raising it as a defense at hearing.

Issue two alleges San Francisco violated The Americans with Disabilities Act when it failed to provide Student with the requested accommodations necessary to access her education program safely. Issue two includes subparts a through d.

Issue three alleges San Francisco violated Section 504 of the Rehabilitation Act of 1973 by implementing its education programs in a manner that denied equal access to Student on the basis of her unique disability-related profile. Issue three includes subparts a through d. San Francisco contends that issues two and three are disability discrimination claims that do not allege failures relating to the identification, evaluation or educational placement of Student, nor the provision for FAPE and as such issues two and three fall outside of OAH's jurisdiction. Issues two and three involve claims that fall under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.), and Section 1983 of Title 42 United States Code and the Americans with Disabilities Act (42 U.S.C. §§ 12101, et seq.), which OAH does not have jurisdiction to resolve. Therefore, Issues two and three are dismissed.

ORDER

1. San Francisco's Motion to Dismiss to Issue one, subpart a, is denied without prejudice.
2. San Francisco's Motion to Dismiss Issues two and three is granted.
3. The matter will proceed as scheduled.

IT IS SO ORDERED.

Katherine Roe
Katherine Roe (Mar 10, 2026 10:56:09 PDT)

Katherine Roe

Administrative Law Judge

Office of Administrative Hearings