BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SIMI VALLEY UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2026010936

ORDER DENYING MOTION TO DISMISS STUDENT'S ISSUES ONE, TWO, AND THREE OF STUDENT'S COMPLAINT

FEBRUARY 12, 2026

On January 27, 2026, Parent on behalf of Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, called OAH, naming Simi Valley Unified School District, called Simi Valley. OAH designated this matter a dual case with both expedited and non-expedited issues.

On February 3, 2026, Simi Valley filed a motion to dismiss Student's issues one, two, and three of Student's complaint, maintaining OAH does not have jurisdiction to hear this matter. Student did not file a response.

The purpose of the Individuals with Disabilities Education Act, called IDEA, (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).

Title 20 United States Code section 1415(k) and 34 Code of Federal Regulations, part 300.530 et seq., govern the discipline of special education students. (Ed. Code, § 48915.5.) These protections extend to students not previously identified as eligible for special education and related services if the local educational agency, called LEA, is deemed to have had a basis of knowledge that the student suffered from a disability before the occurrence of the behavior that prompted the disciplinary action. (20 U.S.C. § 1415(k)(5)(A-B); 34 C.F.R. § 300.534(a).) The LEA is deemed to have had a basis of

knowledge that a student was a student with a disability if any of the following occurred before the behavior that caused the disciplinary action:

1. the parent of the child has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child needs special education and related services;
2. the parent of the child has requested an evaluation of the child pursuant to 20 U.S.C. section 1414(a)(1)(B); or
3. the teacher of the child, or other personnel of the LEA, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education of such agency or to other supervisory personnel of the agency. (20 U.S.C. § 1415(k)(5)(B); 34 C.F.R. § 300.534(b).)

However, an LEA is deemed not to have knowledge that a student was a student with a disability if the child was assessed and determined not eligible for special education, or the special education assessment was not allowed or services were refused. (34 C.F.R. 300.534(b).)

Here, Student alleged three issues in his due process hearing request. Simi Valley argues OAH lacks jurisdiction to hear all of these claims, and maintains Student is not a special education Student and not entitled to the protections of the IDEA. Further, Student cannot prove a basis of knowledge theory because after the initial requests for special education assessments for Student in November 2025, consent for special education assessment was withdrawn on January 12, 2026. Thus, the case should be dismissed for lack of jurisdiction.

Simi Valley did not attach the January 12, 2026, correspondence to its opposition. Rather, it filed a declaration under penalty of perjury from the Simi Valley's Assistant

Superintendent of Student Support Services Sean Goldman that represented consent to the special education assessment was revoked on January 12, 2026. Student attached the correspondence to Student's complaint as Exhibit O.

The content, scope, and legal effect of the February 12, 2026, communication cannot be resolved based solely on the motion to dismiss and attached declaration of Simi Valley's Assistant Superintendent Sean Golman, to enable a determination of basis of knowledge at this stage of the proceedings.

Under these facts, a basis of knowledge determination and the threshold question of whether consent was revoked for special education assessment requires an evidentiary hearing. Thus, Simi Valley's Motion to Dismiss Student's Issues One, Two, and Three, of Student's complaint is denied.

IT IS SO ORDERED.

Cynthia Fritz

Cynthia Fritz
Administrative Law Judge
Office of Administrative Hearings