BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: LOS ANGELES UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016060409 ORDER DENYING MOTION TO SET ASIDE SETTLEMENT AGREEMENT

On July 25, 2016, Student filed a motion to set aside the final settlement agreement entered into between the parties on July 21, 2016, and proceed with the previously scheduled due process hearing. On July 29, 2016, Los Angeles Unified School District filed an opposition to Student's motion asserting that the Office of Administrative Hearings lacks jurisdiction to vacate settlement agreements.

APPLICABLE LAW

Parties have 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).) OAH has jurisdiction to hear due process claims arising under the Individuals with Disabilities Education Act. (*Wyner v. Manhattan Beach Unified Sch. Dist.* (9th Cir. 2000) 223 F.3d 1026, 1028-1029 [hereafter *Wyner*].)

DISCUSSION

There is no dispute that the parties entered into a final settlement agreement resolving all claims raised in the instant matter. Rather, Parent asserts that she was rushed and felt coerced into signing the settlement agreement. OAH's jurisdiction is very narrow and does not include rescission of settlement agreements when a dispute raises the validity of the agreement. Parent provided no legal authority to the contrary.

ORDER

1. Student's motion to set aside the July 21, 2016, settlement agreement is denied.

2. OAH Case No. 2016060409 remains closed.

IT IS SO ORDERED.

DATE: August 2, 2016

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Joy Redmon
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JOY REDMON
Administrative Law Judge
Office of Administrative Hearings